

THE CANTONMENTS (HOUSE ACCOMMODATION) ACT, 1902 (II OF 1902)

[As modified up to 1st June, 1910]

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ACT No II of 1902^[1]

[14th February 1902]

An Act to make better provision for securing house-accommodation for military officers in cantonments

[As modified up to 1st June 1910]

WHEREAS various conditions, rules, regulations and orders have from time to time been laid down by, or by the authority of, the Government, in regard to the grant of land and the occupation of land and houses in cantonments, with the object of securing, amongst other things, that houses built on such land should be made available when required for the accommodation of military officers,

And whereas, notwithstanding the said conditions, rules, regulations and orders, difficulties have frequently been experienced in obtaining house accommodation in cantonments for military officers, and it is expedient to make better provision for that purpose,

It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Cantonments (House-Accommodation) Act, 1902

(2) It extends to the whole of British India (inclusive of British Baluchistan), except Aden, and

(3) It shall come into force at once, but it shall not become operative in any cantonment or part of a cantonment until the issue, or otherwise than in pursuance, of a notification as hereinafter provided by section 3

2. (1) In

[1] For Statement of Objects and Reasons see Gazette of India 1899 Pt. V, p. 364 for Report of the Select Committee see *ibid* 1902, Pt. V, p. 9 for Proceedings of Council see *ibid*, 1893 Pt. VI, p. 335 *ibid*, 1901, Pt. VI, p. 229 *ibid* 1902 Pt. VI pp 2 & 112.

Short title
extent
commence-
ment

8 *Cantonments (House-Accommodation)* [ACT II
(Chapter I—Preliminary.—Section 2.)

Definitions

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "Cantonment Authority" means a Cantonment Committee, or, in the case of a cantonment for which such a Committee has not been constituted, or has ceased to exist, or cannot be convened, the Commanding Officer of the cantonment

[¹] (b) "Division" means one of the Divisions into which the Army in India is, for the time being, divided, and includes the Bannu, Derajat and Kohat Independent Brigades

(c) "Officer Commanding the Division" means the Officer Commanding a Division, and includes the officers commanding the Bannu, Derajat and Kohat Brigades

(d) "house" means a house suitable for occupation by a military officer, and includes the land and buildings appurtenant to such house

(e) "military officer" means a commissioned or warrant officer of His Majesty's regular forces on military duty in a cantonment, and includes a Chaplain, a Cantonment Magistrate and any person in Army departmental employment whom the [²] [Officer Commanding the Division] may at any time, for the purposes of this Act, place on the same footing as a military officer

(f) "owner" includes the person who is receiving, or is entitled to receive, the rent of a house, whether on his own account or on behalf of himself and others or as an agent

¹ The words "Division" and "Independent Brigades" were substituted by the Amending (Army) Bill, 1911, Appendix II

² The words "the principal portions into which the Division is divided" were substituted by the Amending (Army) Bill, 1911, Appendix II

(Chapter II.—Application of Act.—Section 3.)

agent or trustee, or who would so receive the rent, or be entitled to receive it, if the house were let to a tenant; and

- (g) the expression "repairs" to a house includes such repairs as are usually made to houses in the neighbourhood, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the owner's consent.

(e) If any question arises whether any land or building is appurtenant to a house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the District Magistrate, be final.

CHAPTER II.

APPLICATION OF ACT. [1]

3. (1) The Local Government, with the previous sanction Cantonments or parts of

(Chapter II—Application of Act—Section 4
Chapter III—Appropriation of Houses for Occupation by Military Officers—Sections 5-6,

Cantonments
in which Act
to be operative

sanction of the Governor General in Council, may, by [1] notification in the local official Gazette, declare this Act to be operative in any cantonment or part of a cantonment situate in the territories under its administration, other than a cantonment situate within the limits of a Presidency town

(2) Before issuing a notification under sub-section (1) in respect of any cantonment or part of a cantonment the Local Government shall cause local inquiry to be made with a view to determining whether it is expedient to issue such notification and what portion (if any) of the area proposed to be included therein should be excluded therefrom

Saving of
written in-
struments

4 Nothing in this Act shall affect the provisions of any written instrument executed by or on behalf of the East India Company or the Government, unless the other party entitled and the Secretary of State for India in Council consent in writing to be bound by the terms of this Act

CHAPTER III

APPROPRIATION OF HOUSES FOR OCCUPATION BY MILITARY OFFICERS

Liability of
houses to
appropriation
for occupa-
tion by
military
officers

5 Every house situate in a cantonment or part of a cantonment in respect of which a notification under section 3, sub-section (1), is for the time being in force, shall be liable, subject to the provisions hereinafter contained, to appropriation at any time for occupation by a military officer

Appropriation of house
for military
officer, where
not already
occupied by
a military
officer

6. Where the Cantonment Authority, on application made to it as hereinafter provided by section 8 and subject to the requirements of that section, considers that the liability imposed by section 5 should be enforced on behalf of a military officer, it may, if the house is not already occupied by a military officer, by notice—

- (a) require the owner to let the house to the military officer named in the notice and
- (b) require

[1] See footnote on preceding page

(Chapter III—Appropriation of Houses for Occupation by Military Officers—Sections 7 & 8)

(b) require the existing occupier (if any) to vacate the same

7. If a house is already occupied by a departmental military officer, and the Cantonment Authority, on application made to it as hereinafter provided by section 8 and subject to the requirements of that section, considers that the liability imposed by section 5 should be enforced on behalf of a regimental officer, or *vice versa*, it may, by notice, require the officer in occupation to vacate the house, and may, if necessary by further notice require the owner to accept the change of tenancy

Appropriation of house for regimental military officer, where already occupied by departmental military officer

8. (1) Where a military officer considers that a notice should be issued in his behalf under section 6 or section 7, as the case may be, he may request the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his department, to make an application to that effect to the Cantonment Authority

Procedure to be observed before appropriating house

(2) On receipt of an application made under sub-section (1), the Cantonment Authority shall inquire into the case and it shall not issue the notice applied for unless it is satisfied—

- (a) that it is necessary or expedient for the military officer to reside in the cantonment, or, if this Act is in force in part of the cantonment only, then in that part,
- (b) that the circumstances are such as to require its intervention,
- (c) that the monthly rent proposed for the house is reasonable, and
- (d) that the house is suitable for the residence of the officer and, if it is occupied, that there is no vacant house in the cantonment or the said part of the cantonment as the case may be, which is suitable for his residence

12 *Cantonments (House-Accommodation)* [ACT II
(Chapter III—Appropriation of Houses for Oc-
cupation by Military Officers—Sections 9-10)]

Explanation I—Where the rent of a house is registered in the office of the Cantonment Authority, the rent so registered shall be presumed, until the contrary is shown, to be the reasonable rent for the house

Explanation II—In considering whether a house is suitable for the residence of a military officer, regard shall be had to—

- (i) the locality in which his duties chiefly lie,
- (ii) his rank, and
- (iii) the number of persons dependent upon, and residing with, him

9. Every notice to an owner issued under section 6 or section 7 shall state the amount of monthly rent proposed as reasonable for the house

10 (1) No house in any cantonment or part of a cantonment in which this Act has been declared by a notification under section 3, sub section (1), to be operative shall, unless it was so occupied at the date of such notification, be occupied for the purposes of a hospital, bank, hotel, shop or school, or by a railway administration, without the previous sanction of the [1] [Officer Commanding the Division] given with the concurrence of the Local Government

(2) Before application is made for such sanction as aforesaid, the Commanding Officer of the cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers, or
- (b) necessitate the acquisition of land at some future

[1] Substituted for the words General Officer of the Command by the Amending (Army) Act 1909 (5 of 1909) Genl Acts Vol VI, Appendix II

Notice to state that reasonable rent is offered
Sanction to be obtained before a house is occupied as a hospital, bank, hotel, shop or school or by a railway administration

(Chapter III—Appropriation of Houses for Occupation by Military Officers—Sections 11-13)

future time for the extension of the cantonment.

11. No notice shall be issued under section 6, if the house—

Houses not to be appropriated for military officers in certain cases

- (a) was occupied prior to the date of a notification under section 3, sub section (1), declaring the Act to be operative in the cantonment or part of the cantonment, or is occupied with the sanction required by section 10, as a hospital, bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) was occupied prior to the date of such a notification as is referred to in clause (a), or is occupied, with the sanction aforesaid, by a railway administration, or
- (c) is occupied by the owner, or
- (d) is appropriated ^[1] by the Local Government, with the concurrence of the ^[2] [Officer Commanding the Division] or by the Governor General in Council, for use as a public office or for any other purpose

12 (1) If a house is unoccupied, a notice issued under section 6 may require the owner to give possession of the same to the proposed tenant within four days from the service of the notice

Time to be allowed for giving possession of house

(2) If a house is occupied, a notice issued under section 6 or section 7 shall not require its vacation in less than thirty days from the service of the notice

13. If the owner fails to give possession of a house to the proposed tenant in pursuance of a notice issued under section 6 or section 7, or if the existing occupier

Surrender of house when to be enforced.

[1] For list of houses in certain cantonments so appropriated by the

14 *Cantonments (House Accommodation)* [ACI II
(Chapter III—Appropriation of Houses for Oc-
cupation by Military Officers—Sections 14-15)

occupier fails to vacate a house in pursuance of such a notice, the Cantonment Magistrate, by himself or by another person generally or specially authorized by him in this behalf, shall enter on the premises and enforce the surrender of the house

Option in certain cases for owner on whom notice is issued under section 6 or section 7 to call upon the military officer concerned or the Government to purchase

14. (1) If a house in respect of which a notice is issued under section 6 or section 7 is shown to the satisfaction of the Local Government, or is proved by a decree or order of a Court of competent jurisdiction to have been erected—

(a) under any conditions, rules, regulations or orders which were in force in Bengal prior to the eighth day of December 1864, and conferred on the owner the option of offering the house for sale to the military officer applying for its appropriation for his occupation or to the East India Company or the Government, or

(b) under any conditions, rules, regulations or orders which were in force in Bombay prior to the first day of June, 1875, and conferred such an option as is described in clause (a),

then the owner shall have the option of either complying with the notice of offering the house for sale to the military officer in whose behalf the notice was issued, or to the Government

(2) If the owner elects to sell the house, and such military officer or the Government is willing to purchase it, the amount of the purchase-money to be paid shall, in the event of disagreement, be determined by a Committee of Arbitration

Provision where tenant required to vacate holds under a long lease

15. (1) If a house is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, or from year to year, no notice shall be issued under

under section 6 or section 7 without the previous sanction of the Officer Commanding the [1] [Division.]

(2) If a house, in respect of which a notice is issued under section 6 or section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, the Secretary of State for India in Council shall, for the term of one year from the date on which the house is vacated in pursuance of the notice, or for the unexpired term of the lease, whichever is the shorter, be liable to the owner for the rent payable under this Act or, if no rent is so payable, for the rent fixed by the registered lease.

(3) If a house, in respect of which a notice is issued under section 6 or section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease from year to year the Secretary of State for India in Council shall be liable as aforesaid for the term of six months from the date on which the house is vacated in pursuance of the notice.

(4) Nothing in this section shall be deemed—

(a) to render the said Secretary of State in Council so liable unless an application in writing in this behalf is made by the owner to the Cantonment Authority within fifteen days from the service of the notice; or

(b) to limit or otherwise affect any agreement between the said Secretary of State in Council and the owner.

16. (1) Subject to the terms of any agreement in writing between an owner and a military officer, and to the provisions of this section, every lease of a house to such an officer shall be deemed to be a lease from month to month, terminable,—

Terms of tenancy applicable to military officers.

(a) without notice, in the case of a Committee of Arbitration deciding, as hereinafter provided

[1] Substituted for the word " District " by the Amending (Army) Act, 1909 (5 of 1909), Genl. Acts, Vol. VI, Appendix II.

16 *Cantonments (House Accommodation)* [ACT II
(Chapter III—Appropriation of Houses for Occupation by Military Officers—Sections 17-18)]

provided, that the house has become unfit for occupation,

(b) by half a month's notice to the owner, in the case of the departure of the officer from the cantonment on duty or under medical certificate, and

(c) by one month's notice to the owner, in any other case

(2) The Cantonment Magistrate shall, if the military officer so desires, cause the notice required by sub section (1) clause (b) or clause (c) to be served on the owner

(3) Where a military officer has, in pursuance of sub section (1) clause (a), given up his occupation of a house without notice and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month

(4) Where a notice in respect of a house has been issued under section 6 or section 7 and the house has been vacated in pursuance thereof, the tenancy of the military officer in whose behalf the notice was issued shall be deemed to have commenced on the date on which the house was vacated

Sub lease
voidable at
option of
owner

17. If the tenant of a house, being a military officer, sub lets the same without the consent of the owner, the sub lease shall be voidable at the option of the owner

Power for
owner to
require refer-
ence to
arbitration on
question
of rent

18. (1) If the owner considers that the rent stated in a notice in accordance with section 9 is not reasonable, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration

(2) If

(Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Sections 19-21.)

(2) If the owner does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered

(3) The rent fixed by a Committee of Arbitration or accepted by the owner under this section shall be deemed to be the rent payable by the military officer in whose behalf the notice was issued, as from the commencement of his tenancy, and the amount of such rent shall not be called in question by either party, except in the circumstances mentioned in section 21, clause (a)

19. (1) If the owner fails to execute any repairs to a house which the tenant, being a military officer, considers necessary, the Cantonment Authority may, at the request of the tenant and if it is satisfied that such repairs or any of them are necessary, by notice require the owner to execute such repairs, or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

Power for owner to require reference to arbitration on question of repairs.

(2) If the owner objects to comply with a notice issued under sub-section (1), he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

20. If the tenant of a house, being a military officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

Power for military tenant to require reference to arbitration on question whether house has become unfit for occupation

21. If the owner and the tenant of a house, being a military officer, disagree—

Power for either owner or military tenant to require reference to arbitration on other questions,

(a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on

18 *Cantonments (House-Accommodation)* [ACT II
(Chapter III—Appropriation of Houses for Occupation by Military Officers—Sections 22 23)

(b) on any matter relating to rent or repairs not otherwise provided for by this Act, either the owner or the tenant may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration

22. Where—

(a) the owner fails to comply with a notice issued under section 19, sub section (1), and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or

(b) a Committee of Arbitration decides that repairs are necessary and the extent to which they are necessary, and specifies the period within which they are to be executed, and the owner fails to execute them within such period,

the Military Works Services or the Public Works Department shall, on the application of the tenant of the house being a military officer cause the repairs specified in the notice or if the matter has been referred to a Committee of Arbitration, in the decision of the Committee, to be executed at the expense of the tenant, and the tenant may deduct the cost thereof from the rent, or otherwise recover it from the owner

23 Every person on whom devolves, by transfer, by succession or by operation of law, the interest of an owner in any house, or in any part of any house, situate in a cantonment or part of a cantonment in respect of which a notification under section 3 sub section (1) is for the time being in force, shall be bound to give the Cantonment Magistrate notice of the fact within one month from the date of such devolution, and if he without reasonable cause, fails to do so shall be punishable with fine which may extend to fifty rupees

CHAPTER IV

Power for military tenant to have repairs executed and recover cost

Notice to be given of devolution of interest in house in cantonment.

CHAPTER IV.

COMMITTEES OF ARBITRATION

24. In the event of any disagreement as to the amount of the purchase-money of a house to be sold under section 14, sub-section (2), the Cantonment Authority shall apply to the Commanding Officer of the cantonment to refer the matter to a Committee of Arbitration, and the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration to determine it.

Convening of Committees of Arbitration in cases falling under section 14, sub section (2).

25. Where a requisition is made to the Commanding Officer of the cantonment by an owner under section 18, section 19 or section 21, the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration—

Convening of Committees of Arbitration on requisition of owners

(a) to determine the amount of monthly rent to be paid, or

(b) to determine whether any, and (if any) what, repairs are necessary, the extent to which they are necessary, and the period within which they are to be executed, or

(c) otherwise to determine the question in dispute.

26. (1) Where a requisition is made to the Commanding Officer of the cantonment by a military officer under section 20 or section 21, the Commanding Officer of the cantonment may, after such inquiry as he may think fit to make, proceed to convene a Committee of Arbitration—

Convening of Committees of Arbitration on requisition of military officers.

(a) to determine whether the house has become unfit for occupation, or

(b) to determine the amount of monthly rent to be paid, or

(c) to determine whether any, and (if any) what, repairs are necessary, the extent

to

(Chapter IV.—Committees of Arbitration.—Sections 27-28.)

to which they are necessary, and the period within which they are to be executed, or

(d) otherwise to determine the question in dispute.

(2) In the exercise of the discretion vested in him by sub-section (1), the Commanding Officer of the cantonment may refuse to convene a Committee of Arbitration on the ground that the application therefor is groundless or frivolous.

Procedure for
convening
Committees
of Arbitration
generally.

27. (1) Where a Committee of Arbitration is to be convened, the Commanding Officer of the cantonment shall forthwith cause an order to be published in Station Orders, stating the matter to be determined.

(2) The Cantonment Magistrate shall forthwith send a copy of such order to the District Magistrate and to the parties concerned, and shall forthwith by notice require the parties to nominate members of the Committee in accordance with the provisions of sections 28 and 29.

Constitution
of Com-
mittees of
Arbitration.

28. Every Committee of Arbitration shall consist of—

- (a) a chairman, who shall be the District Magistrate, or, if the District Magistrate is unable to act on the Committee, some Magistrate, being a Justice of the Peace or Magistrate of the first class, and not being the Cantonment Magistrate, appointed by the District Magistrate to act in his stead;
- (b) a member to be nominated by the military officer concerned; and
- (c) a member to be nominated by the owner concerned :

Provided that, if the military officer and the owner, at any time before the meeting of the Committee, join in nominating, by notice to the Cantonment

(Chapter IV.—Committees of Arbitration.—Sections 29-30)

ment Magistrate, any other person as chairman, such person shall be the chairman instead of the District Magistrate or the Magistrate (if any) appointed by the District Magistrate under clause (a), and

Provided, also, that,—

- (i) if the officer or the owner fails, without reasonable cause, to nominate a member within seven days from the date on which he may be called upon to do so, or,
- (ii) if any member, who has been nominated, neglects or refuses to act, and the officer or the owner, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called upon to do so,

the District Magistrate shall forthwith appoint a member in the place of the nominee of the officer or owner, as the case may be

29. (1) No person who has a 'direct interest in the matter under reference or whose services are not immediately available for the purposes of the Committee, shall be nominated or appointed a member of a Committee of Arbitration

Members of Committees of Arbitration to be persons who have no direct interest and whose services are immediately available

(2) If any person who has been nominated has, in the opinion of the District Magistrate, a direct interest in the matter under reference, or if his services are not immediately available as aforesaid, and if the officer or the owner, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called on so to do, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 28

30. (1) When a Committee of Arbitration has been duly constituted, the Cantonment Magistrate shall by notice inform each of the members of the

Meetings and powers of Committees of Arbitration.

22 *Cantonments (House-Accommodation)* [ACT II
(Chapter IV.—Committees of Arbitration—Sections 31-34)

fact, and the Committee shall meet as soon as may be thereafter.

(2) The Committee shall have power to receive evidence and to administer oaths to witnesses, and the Cantonment Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself

Powers of chairman of Committee of Arbitration as to meetings

31. The chairman of the Committee of Arbitration shall fix the time and place of meeting, and shall have power to adjourn the meeting from time to time as may be necessary

Calculation of amount of purchase money by Committees of Arbitration.

32. In determining the amount of the purchase-money to be paid for a house to be sold under section 14, sub-section (2), the Committee of Arbitration convened under section 24 shall estimate the market-value of the house at the date on which the notice was served on the owner under section 6 or section 7, as the case may be

Calculation of rent by Committees of Arbitration

33. Subject to the presumption mentioned in the first explanation to section 8, in determining the amount of monthly rent to be paid for a house, the Committee of Arbitration shall estimate the letting-value of the house, and shall have regard to, amongst other things, the circumstances of the neighbourhood and the period of time and season for which the house is likely to be occupied during the year

Decisions of Committees of Arbitration.

34. (1) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the chairman and at least one of the other members are present

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final

CHAPTER V

APPEALS

35. (1) If any owner or any tenant of a house is aggrieved by a notice issued under section 6 or section 7, he may appeal to the [1] [Officer Commanding the Division] Appeal when allowed

(2) No such appeal shall be admitted unless made within a period of twenty one days from the service of the notice aforesaid, and such period shall be computed in accordance with the provisions of the [2] Indian Limitation Act, 1877, with respect to the computation of periods of limitation thereunder 18-7

36. (1) Every petition of appeal shall be in writing and accompanied by a copy of the notice appealed against Petition of appeal

(2) Any such petition may be presented to the Cantonment Authority, and that Authority shall be bound to forward it to the [1] [Officer Commanding the Division,] and may attach thereto any report which it may desire to make in explanation of the notice appealed against

(3) If any such petition is presented direct to the [1] [Officer Commanding the Division] and an immediate order on the petition is not necessary, the [1] [Officer Commanding the Division] may refer the petition to the Cantonment Authority for report

37. The decision of the [1] [Officer Commanding the Division] on any such appeal shall be final Order in appeal final

Provided that no appeal shall be decided until the appellant has been heard or has had a reasonable opportunity of being heard

38. Where an appeal from a notice has been presented within the period prescribed by section 35, sub section (2), all action on such notice shall, on the application Suspension of action pending appeal

[1] Substituted for the words General Officer of the Command by the Amending (Army) Act 1909 (5 of 1909) Genl Acts Vol VI Appendix II

[2] See now the Indian Limitation Act, 1908 (9 of 1908), Genl Acts, Vol. VI

21 *Cantonments (House Accommodation)* [ACT II
(Chapter VI—Supplemental Provisions—Section
39)]

application of the appellant, be held in abeyance pending the decision of the appeal

CHAPTER VI

SUPPLEMENTAL PROVISIONS

Recovery of
rents from
military
tenants in
cantonments

39. (1) If a military officer is given possession of a house in pursuance of a notice issued under section 6 or section 7, the rent payable by such officer under this Act shall be registered by the Cantonment authority in a register to be maintained in such form as the Local Government may, by [1] rule, prescribe

(2) If such officer fails, before the fifteenth day of any month, to pay the rent so registered and due from him in respect of the month immediately preceding, the Cantonment Authority, if so satisfied, shall, on the application of the owner made before the end of the later month, report the matter, through the proper channel, to the Officer Commanding the [2] [Division]

(3) The Officer Commanding the [2] [Division] may if he is satisfied that the amount claimed is still due, order that it be withheld from the salary and allowances of the defaulting officer, and, upon notice of the order to the officer whose duty it is to disburse such salary and allowances, such disbursing officer shall, unless such salary and allowances are under attachment by order of a Civil Court, withhold and remit to the Cantonment Authority, for payment to the owner, the amount specified in the order

(4) If, within two months from the date of an application made by the owner under sub section (2)

on

[] For rule made by the Government of Eastern Bengal and Assam see Notification No 1253 G dated 16th March 1908 Eastern Bengal and Assam Gazette 1908

For rule made by the Government of United Provinces see Notification No 616—XI 191 dated 5th February, 1908 United Provinces Gazette 1908 Pt III, p 43

[1] Substituted for the word District by the Amending (Army) Act 1909 (5 of 1909) Genl Acts Vol VI, Appendix II

on which the Officer Commanding the [1] [Division] has made an order under sub-section (3), the amount of the rent in respect of which such application and order were made is not paid to the owner, the Cantonment Magistrate shall, on the application of the owner, require the defaulting officer to vacate the house within four days, and, if such officer fails to do so, the Cantonment Magistrate shall, by himself or by another person generally or specially authorized by him in this behalf, enter on the premises and enforce the surrender of the house.

40. Every notice or requisition prescribed by this Act shall be in writing, signed by the person by whom it is given or made or by his duly appointed agent, and may be served by post on the person to whom it is addressed, or, in the case of an owner who is absent from the cantonment, on his agent appointed under section 226* of the [2] Cantonment Code, 1899.

Service of
notice and
requisitions

41. (1) The Governor General in Council may make [3] rules to carry out the purposes and objects of this Act.

Power for
Governor
General in
Council to
make rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) regulate the procedure of Committees of Arbitration; and

(b) define the powers of inspection and entry which may be exercised in carrying out the purposes and objects of this Act or of any rule thereunder.

42. (1) The power to make rules under section 41 shall be subject to the condition of the rules being made after previous publication and of their not tak-

Further
provisions
respecting
rules

ing

[1] Substituted for the word "District" by the Amending (Army) Act 1909 (5 of 1909) Genl Acts Vol. VI, Appendix II

procedure of Arbitration
and post, p. 25.

ing effect until they have been published in the Gazette of India and in such other manner (if any) as the Governor General in Council may direct

(2) Any rule under section 41 may be general for all cantonments or parts of cantonments in British India in which this Act is for the time being operative, or may be special for any of such cantonments or parts, as the Governor General in Council may direct

(3) A copy of the rules under section 41 for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Authority

(4) In making any rule under section 41, sub section (2) clause (b) the Governor General in Council may direct that whoever obstructs any person, not being a public servant within the meaning of section 21 of the [1] Indian Penal Code, in making any inspection or entry, shall be punishable with fine which may extend to fifty rupees, and in the case of a continuing offence with fine which, in addition to such fine as aforesaid, may extend to five rupees for every day after the first during which such offence continues

Inapplicability of section 556 of the Code of Criminal Procedure 1898, to trials of offences against rules

43. No Judge or Magistrate shall be deemed, within the meaning of section 556 of the Code of [2] Criminal Procedure, 1898, to be a party to, or personally interested in, any prosecution for an offence against any rule under this Act merely because he is a member of the Cantonment Committee or has ordered or approved the prosecution

Protection to persons acting under Act

44 No suit or other legal proceeding shall lie against any person for anything done, or in good faith intended to be done under this Act or in pursuance of any lawful notice or order issued under this Act

[1] Genl Acts Vol I

[2] Genl Acts, Vol V

RULES MADE UNDER
THE
CANTONMENTS (HOUSE ACCOMMODATION)
ACT, 1902 (II OF 1902).



MILITARY DEPARTMENT.

CANTONMENTS

Fort William, the 16th February 1906

No 117 In exercise of the powers conferred by section 41 of the Cantonments (House Accommodation) Act, 1902 (II of 1902), the Governor General in Council is pleased to make the following rules for all cantonments or parts of cantonments in British India in which the said Act is for the time being operative —

1. Every notice prescribed by section 6 may be in the appropriate form set forth in Schedule A with such variations as the circumstances of each case require

2. Any notice required by these rules, if not served by post under section 40, may be served by any person authorised by the Cantonment Magistrate in this behalf,

(a) by giving or tendering a duly signed copy thereof to the person to whom it is addressed, or

(b) where the notice cannot be served as prescribed in clause (a), by causing it to be affixed to some conspicuous part of the house to which it relates, and by publishing it in one vernacular and one English daily newspaper

3. Every petition of appeal under section 35 shall state the grounds of appeal

4. When a Committee of Arbitration, herein after referred to as "the Committee" has been duly constituted and each of the members thereof informed by the fact, as provided in the Chairman of the Committee, to be from receipt of such notice, fix the time and place of meeting and give notice in writing of the same to the other members of the Committee, and, through the Cantonment Magistrate, to the parties concerned

5. The notice given to the parties under the preceding rule shall state the purpose for which the Committee will assemble, and shall contain a direction to them to produce their evidence, oral and documentary, on the date fixed, or if they are unable to do so, to forward to the Chairman at least seven days prior to the day of the meeting, a list of the witnesses whom they desire to be summoned in their behalf, either to give evidence or to produce documents relating to the matter in dispute.

6. On receipt of the lists of witnesses and documents, if any, the Chairman shall, if he considers the request made for the attendance of the witnesses named and the production of the documents called for to be reasonable, transmit the list to the Cantonment Magistrate for issue of the necessary processes under section 30 (2) of the Act. If he considers the attendance of any witness named or the production of any document called for to be unnecessary, he shall inform the party concerned and the point whether such witness should be summoned or such document called for shall be determined by the Committee at their first meeting.

7. It shall be open to the Chairman to call for the attendance of witnesses or the production of documents other than those named by the parties and to transmit a list of these to the Cantonment Magistrate for action.

8. The Chairman shall record in the award the question for decision, the number of the Station Order convening the Committee, the names and status of the members thereof, and the decision arrived at. The award shall be signed by the Chairman, and shall be forwarded by him in duplicate to the Cantonment Magistrate for disposal.

9. The Committee shall have power to correct any clerical mistake or error in their award which may have arisen from any accidental slip or omission.

10. The Committee, or any of their number or any person especially authorised by them in this behalf,

half, may enter into or on any building or land, which is the subject of arbitration, and may make such inspection, aided, if required, by expert evidence, as they may think fit

11. Every requisition for reference of any question to a Committee of Arbitration shall set forth the grounds upon which the applicant relies

12. Where any member of the Committee of Arbitration dies or becomes incapable of acting, the officer or owner, as the case may be, who nominated him shall nominate another person in his place within seven days from the date on which he is called upon to do so, and, if he fails to do so, the District Magistrate shall forthwith appoint a member in his place

13. The parties shall be entitled to appear at and be heard at the meetings of the Committee of Arbitration, or at the hearing of appeals under Chapter V, either in person or through duly qualified pleaders

14. The Chairman shall furnish a copy of the award to each of the parties free of charge and shall then forward the original to the Cantonment Magistrate

15. The powers of entry conferred by section 13 and section 39, sub section (4), and the powers of entry and inspection conferred by rule 10 shall only be exercised between sunrise and sunset

Provided that—

- (1) no building or land which may be occupied at the time shall be entered, unless with the consent of occupier thereof, without twenty four hours' written notice having been given to the said occupier,
- (2) when any building used as a human dwelling is entered, due regard shall be paid to the social and religious sentiments of the occupiers; and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw, and every

reasonable facility has been afforded to her for withdrawing.

16. No person in military employ below the rank of Non-Commissioned Officer shall be authorised under the provisions of section 13 or 39, sub-section (4), or of rule 10.

17. Whoever obstructs any person authorised to inspect or enter a house, such person not being a public servant within the meaning of section 21 of the Indian Penal Code, shall be punishable with fine, which may extend to Rs. 50, and, in the case of a continuing offence, with fine which, in addition to such fine as aforesaid, may extend to five rupees for every day after the first during which such offence continues

SCHEDULE A

FORM I

Notice to owner under section 6 of the Cantonments (House Accommodation) Act, 1902 (II of 1902)

To

Whereas an application has been made to the Cantonment Authority of _____ by _____ Commanding Officer of the _____ regiment under section 8 of the Cantonments (House Accommodation) Act, 1902 (II of 1902), for appropriation of the house No _____ situated at _____ within the Cantonment of _____

for occupation by _____ *And whereas* it appears to the satisfaction of the said Cantonment Authority that the said house should be appropriated for the above purpose —This is to require you to let the said house to the said _____ from the _____ day of _____ 19 _____

And take notice that Rs _____ is the amount of monthly rent proposed as reasonable for the said house, and that, unless you give effect to the above requisition within the time aforesaid (or apply for a reference to arbitration under section 18 of the said Act) the Cantonment Authority will proceed to enforce it under the provisions of the said Act

Dated at _____ this _____ day of 19 _____

(Signed)

Cantonment Authority

FORM II

Notice to occupier under section 6 of the Cantonments (House Accommodation) Act, 1902 (II of 1902)

To

Whereas an application has been made to the Cantonment Authority of _____ by _____ Commanding officer of the _____ regiment under section 8 of the Cantonments (House Accommodation) Act, 1902 (II of 1902), for appropriation of the house No _____ within the Cantonment of _____ for occupation by _____

And whereas it appears to the satisfaction of the said Cantonment Authority that the said _____ house

34 *Rules made under the Cantonments (House-
Accommodation) Act, 1902.*

house should be appropriated for the above purpose:—This is to require you to vacate the said house on or before the day of 19 . And take notice that unless you give effect to the above requisition within the time aforesaid, the Cantonment Authority will proceed to enforce such requisition under the provisions of the said Act.

Dated at

the

19

(Signed)

Cantonment Authority

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THE
CANTONMENTS ACT, 1910
(XV of 1910).

THE CANTONMENTS ACT, 1910

(ACT XV OF 1910).

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THE CANTONMENTS ACT, 1910

(XV OF 1910)

An Act to consolidate and amend certain Acts relating to Cantonments

WHEREAS it is expedient to consolidate and amend certain Acts relating to cantonments, It is hereby enacted as follows —

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Cantonments Act, 1910¹ short title and extent

(2) It extends to the whole of British India²

¹ The Act which eventually was passed as the present Act relating to Cantonments was originally introduced as a Bill to amend Act VIII of 1889 for the purpose of substituting a new sub section 2 to a 17 (see now a 15 of Act XV of 1910) of that Act and a verbal amendment in cl (17) of a 25, the select Committee on the Bill recommended that the Acts relating to Cantonments should be brought together in one Act including the amendments they

consolidates the law contained in Act VIII of 1889 with the amendments made therein by the following Acts namely —(1) Act I of 1891 (2) XII of 1891 (3) XII of 1896, (4) XV of 1897, (5) V of 1898 (6) I of 1903, and (7) V of 1909

For Statement of Objects and Reasons to the Act as described above see Gazette of India 1910, Pt V, p 120 and post App A For Report of select Committee with consolidating Bill see *ibid*, Pt. IV, p 73 and post, App A. F. —

For Stat
which Act ?
Committee ?
see Gazette
165 These

construing the provisions of the Act—see the judgment of the Privy Council in *Administrator General of Bengal v Premial Mullick* (1895), L. R 22 I A 107, at p 114, and I L R 22 Cal at pp 798 799

² By the operation of certain special enactments, however, the Act does not extend to British Baluchistan the Santhal Parganas Angul the Chitta

Baroda (Baroda)—see Gazette of India, Pt I, 1911, p. 419
Bhuj (Kutch)—Bombay Government Gazette 1911 Pt. I p 418.
Deesa (Talaspur)—
Deoli (Meywar)—Gazette of India, Pt I 1913 p 348.

* V.B.—The notification here referred to (No 99-J., dated 18th June 1913) applied to the Cantonment of Deoli all laws and regulations that are now or may hereafter be in force in Ajmere and Merwara. As the Cantonments Act, 1910, extends to Ajmere and Merwara as part of British India, it therefore applies automatically to Deoli.

(Chapter I—Preliminary—Section 2)

2 In this Act, unless there is anything repugnant in the subject or context,—

(a) ‘officer’ means—

(i) a person who, being an officer within the ^{44 & 45} meaning of the Army Act,¹ is commissioned ^{c 58} and in pay as an officer doing military duty with His Majesty’s regular forces² as defined in that Act or as an officer doing such duty in any arm, branch or part of those forces, and

(ii) a person doing military duty as a warrant officer with those forces or with any arm, branch or part thereof, whether he is or is not an officer within the meaning of the Army Act¹

(b) ‘soldier’³ means a person who is a soldier of His Majesty’s regular forces within the

Mhow (Indore)
Narmuch (Gwalior)
Nowgong (Chhatarpur) — } see Gazette of India F: I 1911 p 337
Secunderabad neld
srs of Bolaram
and Aurangabad
(Hyderabad) — 1911 p 336
The Baluchistan
Agency territories 1911 p 337

¹ The short title of 44 & 45 Vict c 58 was originally The Army Act 1881 but the figures 1881 were dispensed with by the Army (Annual) Act 1890 (53 Vict c 4) and the short title is now simply The Army Act

The expression ‘officer’ is defined by s 190 (4) of the Army Act as meaning an officer commissioned or in pay as an officer in His Majesty’s forces or any arm branch or part thereof it also includes a person who by virtue of his commission is appointed to any department or corps of

are denoted by s 180 (1
s 10 (2)) as meaning
of enlistment or other

(Chapter II—Cantonments and Cantonment Authorities, Courts and Police—Section 3)

- meaning of the Army Act, and is not an officer within the meaning of this Act
- (c) "spirituous liquor" means any fermented liquor, any wine, any alcoholic liquid obtained by distillation, and the sap of any kind of palm tree, and includes any other liquid consisting of or containing alcohol which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette declare to be a spirituous liquor for the purposes of this Act
- (d) "intoxicating drug" means opium, ganja, bhang, charas and every preparation and admixture thereof, and includes any other intoxicating substance or liquid which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare to be an intoxicating drug for the purposes of this Act and
- (e) "owner" includes the person who is receiving or entitled to receive the rent of any building or land, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant

CHAPTER II

CANTONMENTS AND CANTONMENT AUTHORITIES, COURTS
AND POLICE*Cantonments*

3 (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare any place in which any of His Majesty's regular forces are

Definition of
cantonments.

and a non-commissioned officer and every person subject to military law during the time that he is so subject. For the modifications referred to see ss 182 (warrant officers) and 183 (non-commissioned officers). The expression "subject to military law" is defined by ss 175—177 of the Army Act as amended by 9 Edw 7, c. 3.

(Chapter II—Cantonments and Cantonment Authorities, Courts and Police—Sections 4 to 6)

quartered within the territories administered by such Government to be a cantonment for the purposes of this Act and of all other enactments for the time being in force

(2) The Local Government, with the like sanction, may also, by a like notification define the limits of any cantonment for the like purposes

Cantonment Authorities and Magistrates

4. For every cantonment beyond the limits of a presidency town¹ there shall be a cantonment authority and a Cantonment Magistrate

5 (1) The expression "cantonment authority" as used in this Act means a cantonment committee or where a cantonment committee has not been constituted or has in pursuance of an order of the Local Government ceased to exist or for any reason cannot be convened then subject to any rules made under section 24, clause (5), the commanding officer of the cantonment

(2) The Local Government shall determine, with respect to every cantonment in which troops are for the time being quartered, whether or not a cantonment committee is to be constituted

(3) The cantonment authority shall be deemed to be a local authority as defined in the Cattle trespass Act, 1871, the Local Authorities Loan Act, 1879, the Indian Telegraph Act, 1885, and the General Clauses Act, 1897²

6 The Cantonment Magistrate shall be a Magistrate appointed by the Local Government under section

¹ The expression "presidency town" means any town in which troops are for the time being quartered and in which there is a Military Court of Judicature at Fort

(4) of the High Court of the

² The following are the definitions referred to—

Act I of 1871 s 3— Local authority means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area

Act XI of 1879 s 3— Local authority means any body corporate municipal committee or other persons legally entitled to the control or management of any local or municipal fund or legally entitled to impose any cess rate duty or tax upon any persons within any local area

I of 1871
XI of 1879
XIII of 1885
X of 1897

Cantonment
authority
and Magis-
trate

Cantonment
author ty

Cantonment
Magistrate

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police.—Section 7)

598

12¹ of the Code of Criminal Procedure, 1898, and, as such, subordinate to the District Magistrate or to the District Magistrate and the Sub-Divisional Magistrate as the case may be, under section 17² of that Code.

Cantonment Court of Small Causes.

1887

7. (1) When the Local Government appoints the Cantonment Magistrate to be the Judge of a Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, it shall, in its order appointing him to be such Judge, declare, and may by notification in the official Gazette vary, within a limit of five hundred rupees, the value of the suits which are to be cognizable by him under that Act.

Appointment of Cantonment Magistrate as Judge of Cantonment Court of Small Causes

(2) The provisions of section 15, sub-section (3), of the said Act³ shall not apply to a Court of Small

Act XIII of 1885, s 3 (7) — 'Local authority' means any municipal committee, district board, body of port commissioners, or other authority legally entitled to, or entrusted by the Government with the control or management of any municipal or local fund

Act X of 1887, s 3 (28) — 'Local authority' shall mean a municipal committee, district board, body of port commissioners, or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund

¹ The section provides as follows —

"12 (1) The District Magistrate shall be the Judge of the Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, and shall be subordinate to the District Magistrate or to the District Magistrate and the Sub-Divisional Magistrate as the case may be, under section 17 of that Code."

"13 (1) The District Magistrate shall be the Judge of the Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, and shall be subordinate to the District Magistrate or to the District Magistrate and the Sub-Divisional Magistrate as the case may be, under section 17 of that Code."

"14 (1) The District Magistrate shall be the Judge of the Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, and shall be subordinate to the District Magistrate or to the District Magistrate and the Sub-Divisional Magistrate as the case may be, under section 17 of that Code."

"15 (1) The District Magistrate shall be the Judge of the Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, and shall be subordinate to the District Magistrate or to the District Magistrate and the Sub-Divisional Magistrate as the case may be, under section 17 of that Code."

"16 (1) The District Magistrate shall be the Judge of the Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, and shall be subordinate to the District Magistrate or to the District Magistrate and the Sub-Divisional Magistrate as the case may be, under section 17 of that Code."

"17 (1) The District Magistrate shall be the Judge of the Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, and shall be subordinate to the District Magistrate or to the District Magistrate and the Sub-Divisional Magistrate as the case may be, under section 17 of that Code."

"18 (1) The District Magistrate shall be the Judge of the Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, and shall be subordinate to the District Magistrate or to the District Magistrate and the Sub-Divisional Magistrate as the case may be, under section 17 of that Code."

"(2) Except as otherwise provided by such definition, the jurisdiction and power of such persons shall extend throughout such district."

² The section provides as follows —

"17 (1) All Magistrates appointed under sections 12, 13 and 14 * * * shall be subordinate to the District Magistrate, and he may from time to time, make rules or give special orders, consistent with this Code, as to the distribution of business among such Magistrates * * * , and

"(2) Every Magistrate (other than a Sub divisional Magistrate) * * * shall also be subordinate to the Sub divisional Magistrate, subject, however, to the general control of the District Magistrate."

³ S 15 (3) of the Provincial Small Cause Courts Act, 1887 (IX of 1887), provides that, subject to the earlier provisions, which except certain suits

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police—Sections 8-10.)

Causes of which a Cantonment Magistrate is the Judge.

Appointment
of Additional
Judge of
Cantonment
Court of
Small Causes

8. When the Local Government appoints an Additional Judge of a Court of Small Causes, of which a Cantonment Magistrate is the Judge, it shall, in its order appointing him to be such Additional Judge, declare, and may by notification in the official Gazette vary, within a limit of fifty rupees, the value of the suits with respect to which the functions of the Judge of the Court may be assigned to, and discharged by, the Additional Judge under section 8¹ of the Provincial Small Cause Courts Act, 1887

IX of 1887.

Continuance
of jurisdic-
tion of Can-
tonment
Court of
Small Causes
in certain
cases not
withstanding
reduction of
jurisdiction
of Judge

9. A Cantonment Magistrate as Judge of a Court of Small Causes may, whatever may be the value of the suits cognizable by him as such Judge, dispose of any suit which was within the pecuniary limits of the jurisdiction of the Judge presiding over the Court at the time of the institution of the suit, and may entertain and dispose of any proceeding after decree in any such suit.

Cantonment Police

Police

10. (1) The police force employed in a cantonment beyond the limits of a presidency-town shall, for the purposes of the Madras District Police Act, 1859, or the Police Act, 1861, or the Bombay District Police Act, 1859, as the case may be, be deemed to be part of the general police establishment under the superintendence of the Local Government in whose territories the cantonment is situated.

¹ S 8 of the Provincial Small Cause Courts Act, 1887 (IX of 1887), provides as follows —

"8 (1) The Local Government, with the previous sanction of the Governor General in Council, may, by order in writing, appoint an Additional Judge of a Court of Small Causes or of two or more such Courts

"(2) The Additional Judge shall discharge such of the functions of the Judge of the Court or Courts as the Judge may assign to him, and in the discharge of those functions shall exercise the same powers as the Judge

"(3) The Judge may withdraw from the Additional Judge any business pending before him

"(4) When the Judge is absent, the Additional Judge may discharge all or any of the functions of the Judge"

XXIV of
1859,
V of 1861,
Bomb IV of
1890

(Chapter III—*Spiruous Liquors and Intoxicating Drugs—Sections 11-12*)

(2) The area comprised within the limits of a cantonment shall be deemed to be a town for the purposes of section 34¹ of the Police Act, 1861

CHAPTER III

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS

11. If within a cantonment, or within such limits around a cantonment as the Local Government may, by notification in the official Gazette, prescribe in this behalf, any person not subject to military law or any person subject to military law otherwise than as an officer or soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or follower or soldier's wife, without the written permission of the commanding officer of the cantonment or of some person authorised by the commanding officer to grant such permission he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both

Unauthorised
sale of spirit-
uous liquor
or intoxicat-
ing drug

12. If within a cantonment, or within such limits around a cantonment as the Local Government may, by notification in the official Gazette, prescribe in this behalf,—

Unauthorised
possession of
spirituous
liquor

(a) any person subject to military law otherwise than as an officer or soldier, or

(b) the wife or servant of any such person or of a soldier,

has in his or her possession except on behalf of the Government or for the private use of an officer more than one quart of any spirituous liquor other than fermented malt liquor without the written permission

¹ S. 34 as amended by the Police Act (1861) Amendment Act 1895
"on who commits any offence under this Act specially extended by

(Chapter III.—*Spirituous Liquors and Intoxicating Drugs.*—Sections 13-14.)

of the commanding officer of the cantonment or of some person authorised by the commanding officer to grant such permission, he or she shall be punishable in the case of a first offence against this section with fine which may extend to fifty rupees, and in the case of a subsequent offence against this section with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to three months.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections

13. (1) Any police officer or *excise officer* may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence against section 11 or section 12, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed, and any vessels or coverings in which the liquor or drug is contained.

(2) Where a person accused of an offence against section 11 has been previously convicted of an offence against that section, an officer in charge of a police station may, with the written permission of a Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment, or within the limits prescribed under section 11, which at the time of the alleged commission of the subsequent offence belonged to, or was in the possession of, the person.

(3) The Court convicting a person of an offence against section 11 or section 12 may order the confiscation of the whole or any part of any thing seized under sub-section (1) or sub-section (2).

(4) Subject to the provisions of 'Chapter XLIII of the Code of Criminal Procedure, 1898, anything seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken. V of 1898

Saving of articles sold or supplied

14. The foregoing provisions of this Chapter shall not apply to the sale or supply of any article for

¹ Chapter XLIII of the Code of Criminal Procedure, 1898 (Act V of 1898), provides for the disposal of property connected with offences or the trial of offences

(Chapter IV.—Taxation and Cantonment Fund.—
Sections 15-16.)

medicinal purposes by a medical practitioner, chemist for medicinal purposes
or druggist.

CHAPTER IV.

TAXATION AND CANTONMENT FUND

Taxation

15. (1) With the previous sanction of the Gov- General
ernor General in Council, the Local Government may, power of
by notification in the official Gazette,— taxation

(a) impose in any cantonment which is not included in a municipality any tax which, under any enactment in force at the date of the notification, can be imposed in any municipality within the territories administered by such Government, and

(b) abolish or modify any tax so imposed

(2) When any tax is leviable in a cantonment in pursuance of a notification under sub section (1), the Local Government, subject to the like sanction may, by a like notification apply or adapt to the cantonment the provisions of any enactment or rules in force at the date of the notification in any municipality within the territories administered by such Government relating to—

(a) the assessment, collection or recovery of any tax;

(b) the refund or revision of, or exemption from, any such tax; and

(c) the punishment of any breach of such enactment or rules

16. (1) The Local Government may, by notification in the official Gazette, extend the provisions of the 'Bengal Chaukidari Act, 1856, to any canton- Extension of Act XX of 1856 to certain cantonments.

¹ Act XX of 1856 as amended by Act XXII of 1871 provides for the appointment and maintenance of police chaukidars in cities towns stations suburbs and bazars in the Presidency of Fort William in Bengal It is now in force in certain places in the United Provinces of Azra and Oudh the Punjab and Ajmere.

(Chapter IV—Taxation and Cantonment Fund—
Sections 17 18)

ment which is not included in a municipality and which is situated in any part of British India in which that Act is in force, and the Cantonment Magistrate may exercise all the powers of the Magistrate under that Act subject only to the control of the District Magistrate and the Local Government

(2) The Local Government may order that a cantonment to which the provisions of the 'Bengal Chaudari Act, 1856 have been extended shall be divided ^{XX of 1856.} into any number of cantonment divisions, and may determine the nature of the tax to be levied in each such division according to section 10 of that Act

Restriction
of power of
taxation in
cantonments
in which Act
XX of 1856
is in force

17. While a tax assessed according to the circumstances, and the property to be protected, of the persons liable thereto or according to the annual value of houses and grounds is levied under the 'Bengal Chaudari Act 1856 in a cantonment a tax on persons ^{XX of 1856.} practising any profession or art or carrying on any trade or calling or a tax on buildings and lands, as the case may be shall not be leviable in the cantonment in pursuance of a notification under section 15 of this Act

Power to
prohibit or
exempt from
taxation

18 (1) Notwithstanding anything in any enactment for the time being in force the Governor General in Council may by notification in the Gazette of India prohibit the levy of the whole or any part of any tax imposed in a cantonment, or exempt any person by name or in virtue of his office or any class of persons or any property or any class of property, from the operation of any such tax

(2) Where the area subject to the authority of a municipal committee as defined in ^{section 2} of the Municipal Taxation Act, 1881, includes the whole ^{XI of 1881} or part of a cantonment nothing in ^{section 4} or ^{section 5} of that Act or in any other like enactment for

of 1881) defines the
municipal Corporation
under the provisions

Sections 3, 4 and 5 of that Act provide as follows —

(Chapter IV.—Taxation and Cantonment Fund.—
Section 19.)

the time being in force shall apply to so much of that area as is comprised in the cantonment.

Cantonment Fund.

19. (1) There shall be formed for every cantonment which is not included in a municipality, a cantonment fund, and there shall be placed to the credit thereof, among other sums, the following, namely:—

- (a) subject to deductions under 'section 545 of the Code of Criminal Procedure, 1898, or under any other enactment for the time being in force or under any order of the Local Government, all fines recovered from

"The Governor General in Council may, by a like order, rescind any such prohibition

' 4 So long as any order made

"Provided that the said Secretary of State in Council shall not be liable to pay any sum in respect of any horse which such person is bound, by the regulations of the service to which he belongs, to keep

"5 So long as any order made und any tax payable by the Secretary of St. force, the said Secretary of State in C Municipal Committee, in lieu of such t. from time to time appointed in this bel having regard to all the circumstances o mine to be fair and reasonable "

The Army Discipline and Regulation Act, 1879 (42 & 43 Vict., c 33), above referred to, has been repealed and replaced by the Army Act (44 & 45 Vict., c 58)

' S. 545 of the Code of Criminal Procedure, 1893 (Act V of 1893), provides as follows —

"545 (1) Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence or fine, or a sentence of which fine forms a part, the Court may, when passing judgment order the whole or any part of the fine recovered to be applied—

- (a) in defraying expenses properly incurred in the prosecution,
(b) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit

(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed or if an appeal be presented before the decision of the appeal "

(Chapter IV—Taxation and Cantonment Fund.—
Section 19.)

persons convicted of offences committed within the cantonment against this Act or against any enactment extended or rule made thereunder, or against the provisions of 'section 34 of the Police Act, 1861, or the corresponding enactment¹ for the time being in force in the territories administered by the Governor of Fort St George in Council or by the Governor of Bombay in Council, or against the provisions of ² Chapter XIII or Chapter XIV of the Indian Penal Code or of ³ section 156 of the Army Act;

V of 1861

XIV of 1860
44 & 45 Vict.,
c. 58

(b) the proceeds of taxes imposed under section 15 or levied under the Bengal Chaukidari Act, 1856, in the cantonment, and

XX of 1856

(c) rents and profits accruing from property placed by the Government under the management of the cantonment authority.

(2) Notwithstanding anything in any enactment as to the purposes to which the proceeds of a tax are to be appropriated, the cantonment fund shall be applicable, subject to the rules under this Act, to the maintenance of the police force employed in the cantonment and to the other purposes of this Act within the cantonment and, with the general or special sanction of the Local Government, to like objects within or without British India, beyond the limits of the cantonment in cases in which, in the opinion of the Local Government, the application of the fund beyond those limits is for the benefit of the inhabitants of the cantonment or of any military force ordinarily

¹ S. 34 as amended by the Police Act (1861) Amendment Act 1895 (VIII of 1895) provides for the punishment of any person who commits any of certain offences "on any road open place or street or thoroughfare within the limits of any town to which this section shall be specially extended by the Local Government."

² For the corresponding enactments referred to, see Act XXIV of 1859 and Bombay Acts VII of 1867 and IV of 1890.

³ Chapters XIII and XIV of the Indian Penal Code (Act XLV of 1860) deal respectively with offences relating to weights and measures and with offences affecting the public health safety convenience decency and morals.

⁴ S. 156 of the Army Act (44 & 45 Vict., c. 58) penalizes the purchase from soldiers of regimental necessaries, equipments, stores, etc.

*(Chapter IV.—Taxation and Cantonment Fund —
Sections 20-22. Chapter V.—Supplemental Pro-
visions—Section 23.)*

quartered therein or of any detachment of any such force.

20. (1) Where, in or near a cantonment, there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the cantonment fund shall be kept in the treasury, sub-treasury or bank.

*Custody of
cantonment
fund.*

(2) Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any banker or person, acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the District Magistrate may in each case think sufficient.

21. The cantonment fund shall be vested in 'His Majesty, and, subject to the provisions of this Act and of the rules thereunder and to the control of the Local Government, the management of the fund shall be entrusted to the cantonment authority.

*Vesting and
management
of cantonment
fund*

22. The cantonment fund shall be deemed to be "public revenues" within the meaning of the proviso to section 6 of the Land Acquisition Act, 1894, and any property acquired at the cost of the cantonment fund shall vest in His Majesty

*Acquisition of
immovable
property at
cost of
cantonment
fund*

CHAPTER V.

SUPPLEMENTAL PROVISIONS.

23. The Governor General in Council may, by notification in the Gazette of India, extend to all cantonments or to any cantonment or to any part of any cantonment any enactment for the time being in force in any municipality in British India, and declare its extension to be subject to such restrictions and modifications, if any, as he thinks fit.

*Extension of
enactments
to canton-
ments*

¹ See the Government of India Act, 1858 (21 & 22 Vict., c. 106), s. 40, under which the revenues of British India vest in His Majesty.

² The proviso to section 6 (1) of the Land Acquisition Act, 1894, enacts that no declaration as to the intended acquisition of land thereunder shall be made "unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority"

(Chapter V—Supplemental Provisions—Section 24)

Matters
respecting
which rules
may be made

24. The Governor General in Council may make rules¹ consistent with this Act to provide for all or any of the following matters, namely —

- (1) the manner in which, and the authority to which, application for permission to occupy land belonging to the Government in a cantonment is to be made,
- (2) the conditions to be annexed to every such permission given in pursuance of such an application,
- (3) the preparation and maintenance of registers of immovable property in cantonments,
- (4) the constitution of cantonment committees the functions to be discharged by them, the conduct of and the control to be exercised over, their proceedings and the division of duties among the members of such committees,
- (5) the functions to be discharged by the commanding officer of a cantonment where a cantonment committee has not been constituted or has in pursuance of an order of the Local Government ceased to exist or for any reason cannot be convened,
- (6) the executive duties of the Cantonment Magistrate and his position in relation to the commanding officer of the cantonment,
- (7) the purposes to which the cantonment fund may be applied,
- (8) the authority on which money may be paid from the cantonment fund,
- (9) the investment of any balance of that fund,
- (10) the execution of contracts by, or on behalf of, the cantonment authority,
- (11) the accounts to be kept by the cantonment authority, and the manner in which those accounts are to be audited and published

¹ A comprehensive Code of rules has been framed under this section and issued in combination with certain enactments applied in exercise of the powers conferred by section 23 above. See *post* p. 71 and foot note on p. 63

(Chapter V—Supplemental Provisions—Section 24)

- (12) the definition and abatement of nuisances for which sufficient provision has not, in the opinion of the Governor General in Council, been made under section 23,
- (13) the requisitions which may be made on persons having the control of sewers, drains, latrines or other things creating, or likely to create, nuisances, and the mode of enforcing such requisitions,
- (14) the prevention of the overcrowding of buildings and places in a cantonment,
- (15) the construction and maintenance, to the satisfaction of the cantonment authority, of buildings and of boundary walls, hedges and other fences,
- (16) the regulation of the practice of agriculture and irrigation in a cantonment, the keeping of lands therein in proper order, and the felling lopping and trimming of trees on such lands,
- (17) the regulation of encamping grounds ^{sarais} markets and slaughter houses, of traffic on roads and across unenclosed spaces under the control of the cantonment authority and of processions and public assemblies
- (18) the use and management of burial and burning grounds,
- (19) the supervision and the regulation of the use of public wells, tanks, rivers, streams, springs or other sources from which water is or may be made available for public use, and of the lands in the vicinity thereof,
- (20) the parts of a cantonment in which persons practising any profession or carrying on any trade, calling or occupation, may be required to reside for the purpose of practising the profession or carrying on the trade, calling or occupation, and the conditions if any, to be observed by such persons
- (21) the prevention of the spread of infectious or contagious disorders within a cantonment,

(Chapter V—Supplemental Provisions—Section 24)

- and the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of persons suffering from any disease
- (22) the segregation in, or the removal and exclusion from a cantonment, or the destruction of animals suffering or supposed to be suffering from any infectious or contagious disease,
- (23) the suppression of mendicancy and of loitering or importuning for the purpose of prostitution and the removal and exclusion from a cantonment of disorderly persons, of persons who have been convicted of any offence against Chapter XVII of the Indian Penal Code or section 156 of the ^{XLV of 1860} Army Act or have been ordered under the ^{44 & 45 Vict., c 58} Code of Criminal Procedure, 1898, to execute a bond for their good behaviour, and of persons whom the commanding officer deems it expedient to exclude from the cantonment with or without assigning any reason for excluding them therefrom,
- (24) the prevention of cruelty to animals and the care of animals while grazing,
- (25) the prevention and extinction of fires,
- (26) the registration of births and deaths,
- (27) the appointment by owners of buildings and lands in cantonments, who are absent from cantonments, of persons residing within or near cantonments, to act as their agents for all or any of the purposes of this Act or any enactment extended or rule made thereunder,
- (28) the powers of inspection entry and search which may be exercised in carrying out any

¹ Chapter XVII of the Indian Penal Code (Act XLV of 1860) deals with offences against property

² See foot note to s 2 *ante* p 44 As to s 156 of the Army Act see foot note to s 19 (I) of this Act *ante* p 53

³ See Chapter VIII of the Code of Criminal Procedure 1898 (Act V of 1898)

(Chapter V.—Supplemental Provisions.—Section 25.)

of those purposes, and the cases in which breaches of enactments extended or rules made under this Act are to be cognizable offences;

(29) the mode in which summonses, notices, requisitions and other documents are to be served on the persons to whom they are addressed;

(30) the cases, authorities and conditions in, to and on which executive orders passed under this Act or any enactment extended or rule made thereunder may be appealed from; and,

(31) generally, the carrying out of the purposes of this Act.

25. (1) The power to make rules under section 24 is subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette of India and in such other manner as the Governor General in Council prescribes.

Supplemental provisions respecting rules.

(2) A rule under section 24 may be general for all cantonments in British India or for all cantonments not expressly excepted from its operation, or may be

before making them, publish a draft of the proposed rules or bye laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority

have been made in exercise of a power to make rules or bye laws after previous publication shall be conclusive proof that the rule or bye law has been duly made "

(Chapter V—Supplemental Provisions—
Sections 26 27)

special for the whole or any part of any one or more than one cantonment, as the Governor General in Council directs

(3) A copy of the rules for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Magistrate

(4) In making any rule under clause (12) or any of the following clauses of section 24, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days and when the breach is a continuing breach with fine which in addition to such fine or imprisonment as aforesaid may extend to five rupees for every day after the first during which the breach continues

Extends to of certain areas in its and rules to places beyond cantonments

26 The Local Government may, by notification in the official Gazette, and subject to any conditions as to compensation or otherwise which it may see fit to impose, extend to any area beyond a cantonment and in the vicinity thereof—

(a) any enactment which with or without restriction or modification, has been extended to the cantonment or any part thereof under section 23, or

(b) any rule in force in the cantonment or any part thereof under clause (12) or any of the following clauses of section 24, as well as any direction there in force under sub section (4) of section 25

and the enactment, rule or direction specified in the notifications shall so long as the notification remains uncanceled, apply to that area as if the area were included in the cantonment

Cantonments in presidency towns

27. Where a cantonment is situated within the limits of a presidency town, the functions assigned to

¹ As to continuing breaches see *In re Limbays Tularam* (1896) 1 L R 22 Bom 766 and *Queen E press v William Lumner* (1897) 1 L R 22 Bom 841

² See foot note to s 4 p 46

(Chapter V.—Supplemental Provisions—Sections
28-29.)

any authority by this Act or any enactment extended or rule made thereunder shall, subject to the provisions of any enactment for the time being in force, be discharged by such authority as the Local Government may appoint in this behalf.

28. A suit or prosecution shall not be entertained in any Court against any cantonment authority, authority appointed under section 27, Cantonment Magistrate or commanding, medical or other officer for anything in 'good faith done or purporting to be done in pursuance of powers conferred by or under this Act on such authority, Magistrate or officer, whether the thing done was or was not authorised by the powers so conferred

Protection of
cantonment
authority,
magistrate
and command-
ing officer

29. (1) ²Section 54, paragraphs 2 and 3, and sections 59, 107 and 123 of the Transfer of Property Act, 1882, with respect to the transfer of property by

Registration

¹ Under s 3 (20) of the General Clauses Act, 1897 (X of 1897), a thing shall be deemed to be done in good faith "where it is in fact done honestly, whether it is done negligently or not"

² S 1 of the Transfer of Property Act, 1882 (IV of 1882), provides that

Nothing in this section shall be deemed to render invalid mortgages

tered instrument.

(Chapter V.—Supplemental Provisions.—Section 29.)

registered instrument, shall, on and from the commencement of this Act, extend to every cantonment in British India.

(2) Where a cantonment has not been constituted a sub-district or district for the purposes of the¹ Indian Registration Act, 1908, under section 9 of that Act, ^{XVI of 1908.} the Registrar of the district in which the cantonment is situated shall cause a copy of such entries in ²Indexes Nos. I and II as relate to immoveable property within the limits of the cantonment to be forwarded to the Cantonment Magistrate annually or at such shorter intervals as the Local Government may prescribe.

¹ All other leases of immoveable property may be made either by a registered instrument or by oral agreement accompanied by delivery of possession.

Provided that the Local Government may, with the previous sanction of the Governor General in Council, from time to time by notification in the local official gazette direct that leases of immoveable property other than leases from year to year, or for any term exceeding one year, or reserving a yearly rent, or any class of such leases, may be made by unregistered instrument or by oral agreement without delivery of possession.

² 123 For the purpose of making a gift of immoveable property, the

¹ S 9 of the Indian Registration Act, 1908 (XVI of 1908), provides as follows.—

“(1) The Local Government may direct that the Registrar of such sub-district, and the Cantonment Registrar of such sub-

² As to the nature of these Indexes, see s 55 of the Indian Registration Act, 1908 (XVI of 1908)

The section in question is as follows.—

“55 (1) Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No I, Index No II, Index No III and Index No IV.

(2) Index No I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No 1.

(3) Index No II shall contain such particulars mentioned in s 21 relating to the Inspector General

additions of all persons
Book No 3, and of the
deceased and after the death
of the deceased and additions of all

additions of all persons
of every document entered in

(4) Each index shall contain such other particulars, and shall be prepared in such form as the Inspector General from time to time directs.”

(Chapter V.—*Supplemental Provisions*.—Section 30.
Chapter VI.—*Repeals and Savings*.—Sections 31-32.)

30. The Governor General in Council may, by notification in the Gazette of India, exclude from the operation of the whole or any part of this Act the whole or any part of any cantonment. Limitation of the operation of this Act.

CHAPTER VI.

REPEALS AND SAVINGS.

31. The enactments mentioned in the Schedule are repealed to the extent specified in the fourth column thereof. Repeals

32. All licenses and permits given under the Savings
39. Cantonments Act, 1889, or under any enactment repealed by that Act, and in force at the commencement of this Act, shall be deemed to have been given under this Act.

THE SCHEDULE.

ENACTMENTS REPEALED

See section 31.

| Year | No | Short title | Extent of repeal |
|------|------|--|---|
| 1 | 2 | 3 | 4 |
| 1889 | XIII | The Cantonments Act, 1889 | So much as has not been repealed |
| 1891 | I | The Cattle trespass Act (1871) Amendment Act, 1891 | Section 11 |
| , | XII | The Amending Act, 1891 | So much of Part I of the Second Schedule as relates to the Cantonments Act, 1889 |
| 1896 | XII | The Excise Act, 1896 | So much of the Schedule as relates to the Cantonments Act, 1889 |
| 1897 | XV | The Cantonments Act, 1897 | The whole |
| 1898 | V | The Code of Criminal Procedure, 1898 | So much of Schedule I as relates to the Cantonments Act, 1889 |
| 1903 | I | The Repealing and Amending Act, 1903 | So much of Part II of the Second Schedule as relates to the Cantonments Act, 1889 |
| 1909 | V | The Amending (Army) Act, 1909 | So much of the Schedule as relates to the Cantonments Act, 1889 |

APPENDIX A.

STATEMENT OF OBJECTS AND REASONS

In applying or adapting to a cantonment, under section 17, sub section (2), Section 17, of the Cantonments Act, 1889, any enactment or rules in force in a municipality for the assessment and recovery of a tax, any provision in the same of a breach thereof, cannot, however, if a provision has now to be separately made. It has therefore been considered desirable above sub section, so as to cover the application or adaptation of a penal rule or enactment.

Further it has been found necessary to provide against the creation of short cuts and the establishment of rights of way across parade grounds, regimental recreation grounds, ornamental plots and other grass lands, as also unenclosed spaces near barracks in Cantonments. Section 28, sub section (17)

It has been found that no legal power at present exists to prevent these wheels and fouled with the droppings the appearance of the Cantonment, as danger to health and the general regulate traffic across unenclosed spaces under the control of the Cantonment authority.

It is intended that a notification of prohibition of thoroughfare, where it is found necessary to restrict traffic, shall be conspicuously placed by the Cantonment authority so that persons found disregarding the warning might be dealt with under the power now sought.

O'M CREAGH

The 16th July 1910

CANTONMENTS CONSOLIDATING BILL—SELECT COMMITTEE REPORT

annexed thereto

3. The alterations which we suggest in the existing Act are as follows. They make no change in the law:

Section 1 (3)—Omitted as surplusage. The Bill, if passed, will come into force at once.

Section 2—Reproduced by clauses 31 and 32 in a shortened form, regard being had to sections 8 and 24 of the General Clauses Act, 1897.

Section 3 (2)—Omitted, being provided for by section 20 of the General Clauses Act, 1897.

Section 4 (1)—The concluding words have been omitted, being provided for by section 21 of the General Clauses Act, 1897

Section 10—Omitted, as spent

Section 18 (3) and the concluding words of section 20 (1)—Omitted, being provided for by section 21 of the General Clauses Act, 1897

Section 29—Omitted, being provided for by section 556 of the Code of Criminal Procedure, 1898

We have corrected references to Acts now repealed, and references to "Her Majesty", and have followed present practice in referring to Acts by their statutory short titles, and in the use of certain drafting expressions now in common use in place of equivalent expressions which are contained in the Act.

4 The publication required by the rules has been made in English in the Gazette of India, dated the 23rd July 1910

5 We think that the Bill has not been so altered as to require republication, and we recommend that the consolidating Bill proposed by us be passed

O M CREAGH

S P SINHA.

R I SCALLON

E D MACLAGAN

PARTAB SINGH

ZULFIKAR ALI KHAN

UMAR HYAT KHAN

24th July 1910

- (4) *Section 8*—This section vests the administration of the cantonment police in the District Superintendent under the general control and direction of the District Magistrate. Commanding officers of cantonments are to be relieved of the duty, which is now unnecessarily imposed upon them, of serving processes issued by the Courts for execution in cantonments.
- (5) *Sections 17 21*—These sections give a legal status to cantonment funds and cantonment committees. The want of such a status has been a not infrequent cause of inconvenience.
- (6) *Section 28*—This section, which would make every cantonment a sub district for the purposes of the Indian Registration Act, III of 1877, and the Cantonment Magistrate the Sub Registrar of the sub district, and require the provisions of the Transfer of Property Act, 1882, with respect to the registration of documents, to be observed in every cantonment is designed to reduce the difficulties which now occur in the maintenance of registers of immoveable property in cantonments.
- (7) *Section 29*—Several of the powers which it is proposed to take for making rules are not given by enactments now in force.

The 12th October 1888

G CHFSNFI

- (4) *Section 8*—This section vests the administration of the cantonment police in the District Superintendent under the general control and direction of the District Magistrate. Commanding officers of cantonments are to be relieved of the duty, which is now unnecessarily imposed upon them, of serving process issued by the Courts for execution in cantonments.
- (5) *Sections 17-21*—These sections give a legal status to cantonment funds and cantonment committees. The want of such a status has been a not infrequent cause of inconvenience.
- (6) *Section 28*—This section, which would make every cantonment a sub district for the purposes of the Indian Registration Act, III of 1877, and the Cantonment Magistrate the Sub Registrar of the sub district, and require the provisions of the Transfer of Property Act, 1882, with respect to the registration of documents, to be observed in every cantonment is designed to reduce the difficulties which now occur in the maintenance of registers of immoveable property in cantonments.
- (7) *Section 29*—Several of the powers which it is proposed to take for making rules are not given by enactments now in force.

The 12th October 1888

G CHFSNFI

APPENDIX B

(The Cantonments Bill—Report of Select Committee)

LEGISLATIVE DEPARTMENT.

Memorandum from Government of India, Military Department,
No 2257 C, dated 12th October, 1893, and enclosures (papers
No 1)

From Officiating Secretary to Chief Commissioner, Assam
No 3190, dated 10th November, 1893 (Paper No 2)

From Officiating Secretary to Chief Commissioner, Burma,
No 679-84 M, dated 23rd November, 1893, and enclosures
[Paper No 3]

From Mr P. R. Das, Pleader District Court, Tanna dated
20th November 1893 (Paper No 4)

From Officiating Secretary to Chief Commissioner, Burma, No
794-84 M, dated 30th November, 1893 and enclosures (Papers
No 5)

From President, Landlords' Association, Mhow Cantonment,

dated

—2138,

1893

ember

WE, the under-
signed Members of the
Select Committee to
which the Bill to con-
solidate and amend the
law relating to Canton-
ments was referred,
have considered the Bill
and the papers noted
in the margin, and
have now the honour to
submit this our
Report

2. The Bill, as origi-
nally framed, divided
itself naturally into two
parts—the first relat-
ing to the general
administration of can-
tonments as regards
police, conservancy,
taxation and so forth
the second relating to
immovable property.
There has been a gen-
eral concurrence of
opinion in favour of
the provisions of the
first part of the Bill,
while the second has
provoked considerable
discussion and opposi-
tion. Our present Re-
port relates only to the
first part of the Bill, for
the speedy enactment
of which cogent reasons
exist. As regards the
second part, we con-
sider that Chapter V of
the Bill, as introduced
in October last, should,
in such form as may be
approved by the Gov-
ernment after consi-
deration of the repre-
sentations which its
proposals have elicited,
be treated as a separate
measure and be consi-
dered by a Select Com-
mittee and the Council
in Calcutta

from Registrar, High Court, Calcutta, No 251, dated 31st

Papers No 22;

Endorsement by Under Secretary to Government of India,

3 In the rest of the Bill as introduced we have made several alterations of which the following only need be mentioned, the sections hereafter cited being those of the Bill as revised by us and annexed to this Report —

- (1) By section 2 we have proposed to save existing rules for the present and to continue the validity of limits defined under enactments which are now to be, or have long since been, repealed
- (2) We have inserted a section (section 4) enabling Local Governments, with the previous sanction of the Governor General in Council, to declare any place occupied by troops to be a cantonment for the purposes of the proposed Act and of all other enactments affecting cantonments
- (3) Sections 7, 8 and 32, relating to Cantonment Magistrates, Cantonment Courts, &c. &c. &c.
- (4) The Assistant Cantonment Magistrate, in the few places where there is such an officer, either is, or if the exercise of his office is limited to the cantonment, should be appointed to be, a Special Magistrate under section 14 of the Code of Criminal Procedure 1882. Where he has been invested under a Cantonments Act with any of the powers of a Judge of a Cantonment Court of Small Causes, he will under sections 9 and 10 of the Bill become an Additional Judge of the Court with like powers
- (5) From section 12 we have omitted the references to section 48 of the Madras Police Act and section 31 of the Bombay Police Act, because local legislation now pending will render them inappropriate
- (6) In sections 17, 18, 20 and 21 we have recognised the practice, which still obtains in some parts of India, of suffering cantonments to be included within the limits of municipalities
- (7) Under section 25 it will be practicable to apply to cantonments the substance of Chapters VI and VII of the Punjab Municipal Act 1884, which have already been adopted for all municipalities in Ajmere and Berar, and have recently been reproduced in the Central Provinces Municipal Bill
- (8) By section 31 we have proposed to extend to cantonment authorities acting in good faith such protection as is given by Act XVIII of 1850 and the Indian Penal Code to judicial officers so acting

4 The publication ordered by the Council has been made as follows —

* * * * *

5 We do not think that the measure has been so altered as to require republication and we recommend that it be passed as now amended

G CHESNEY
ANDREW R SCOBLE
PHIL P HUTCHINS
R J CROSTHWAITE

The 6th August 1889

THE
CANTONMENT CODE, 1912.

THE CANTONMENT CODE, 1912.*

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said section 25

2. The Cantonment Code, 1893 published under Notification of the Government of India in the Military Department, No. 664, dated the 16th June, 1893, as subsequently amended is hereby reprinted.

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THE CANTONMENT CODE, 1912.

CHAPTER I

Preliminary

Short title

1 These rules and app'ed enactments* may be called the Cantonment Code 1912

General Definitions

2 (1) In this Code unless there is anything repugnant in the subject or context,

(e) "Accountant General" means the Civil Accountant General or Comptroller

(f) "sarai" means any land in a cantonment which has been set apart for the purposes of trade or the residence of natives or any other purpose, and the boundaries of which have been demarcated by pillars or posts and specified, by, or under the authority of, the Officer Commanding the Division, in Divisional Orders :

(g) "Brigade" means any body of troops, placed for administrative purposes under a Commander of one or more stations having the status of a Brigadier General or Colonel on the Staff, and excludes the Aden, Bannu, Derajat and Kohat Independent Brigades :

(h) "Division" means one of the Divisions into which the Army in India is, for the time being, divided, and includes the Aden, Bannu, Derajat and Kohat Independent Brigades

(i) "dairy" includes every farm, shed, milk store, milk shop or other place from which milk is supplied, or in which milk is kept for purposes of sale

(j) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered, or intended to be offered, for sale for human consumption, any purveyor of milk and any occupier of a dairy :

(k) "Executive Engineer" means the Public or Military Works Officer of that grade having charge of the military works in the cantonment and includes the officer, of whatever grade, in immediate executive engineering charge of a cantonment :

(l) "Officer Commanding the Division" means the Officer Commanding a Division, and includes the Officers Commanding the Aden, Bannu, Derajat and Kohat Brigades :

(m) "infectious or contagious disorder" includes cholera, leprosy, enteric fever and every infectious or contagious disorder other than a venereal disease :

(n) "keeper of a sarai" includes the owner of a sarai, any person having the care or management of a sarai and the lessee of any land, whether belonging to the Government or not, occupied by a sarai :

(o) "lessee" means a person who has been granted permission, whether before or after the commencement of this Code, to occupy, for the purposes of a building site, land belonging to the Government in a cantonment, and includes the successors in interest of a lessee

* This Code consists not only of rules made under ss. 24 and 25 of the Cantonments Act, 1910 (XV of 1910) but also of certain enactments applied in exercise of the powers conferred by s. 23

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(Chapter II—Cantonment Committees and Control—Section 3)

- (k) "licensed market" means a private market licensed by the cantonment authority
- (l) "licensed slaughter house" means a private slaughter house licensed by the cantonment authority
- (m) "market" means a place in a cantonment where persons periodically assemble for purposes of selling any articles of food for human consumption
- (n) "notification" means a notification in the local official Gazette
- (o) "notified" means published by notification
- (p) "private market" means a market not maintained by the cantonment authority
- (q) "private slaughter house" means a slaughter house not maintained by the cantonment authority
- (r) "public market" means a market maintained by the cantonment authority
- (s) "public slaughter house" means a slaughter house maintained by the cantonment authority
- (t) "regimental bazar" means a bazar under the management of regimental authorities
- (u) "Sanitary Officer" means, where no Sanitary Officer has been specially appointed, the senior executive Medical Officer in military employ on duty in a cantonment
- (v) "sarai" means a building in a cantonment ordinarily used whether wholly or in part, for the accommodation of native travellers
- (w) "slaughter house" means a place in a cantonment ordinarily used for the slaughter of animals for the purpose of selling the flesh for human consumption
- (x) "source of public water supply" includes every public well, tank,

(y) "street" means any road, lane, or way, whether or not it is a public way, and

(z) "treasury" means the Government treasury or sub treasury, or the bank or place prescribed by or under section 20 of the Cantonments Act, 1910, for the custody of the cantonment fund of a cantonment XV of 1910

(2) Where any question arises as to whether a building is or is not a sarai, or a place is or is not a slaughter house, it shall be decided by the cantonment authority, and the decision of the cantonment authority thereon shall be final and conclusive

CHAPTER II

CANTONMENT COMMITTEES AND CONTROL

Constitution

3 (1) In every cantonment with respect to which the Local Government has determined that a Cantonment Committee is to be constituted, the Cantonment Committee shall ordinarily consist of the following members, namely—

- (a) at the head quarter cantonment of a Division or Brigade, a combatant officer appointed by name in Station Orders by the Officer Commanding such Division or Brigade, in all other cases the Commanding Officer of the cantonment;

The Cantonment Code, 1912

(Chapter II—Cantonment Committees and Control—Sections 47)

(b) any Magistrate of the first class, being also a Justice of the Peace appointed by the District Magistrate to represent Him:

Provided that where the condition that such Magistrate must also be a Justice of the Peace cannot be fulfilled the District Magistrate may, with the concurrence of the Officer Commanding the Division appoint as his representative a Magistrate who is not a Justice of the Peace, until such time as an officer possessing that qualification is available;

(c) such Commanding Officers in the cantonment as may be appointed in Station Orders to be members;

(d) the Cantonment Magistrate.

(e) the Sanitary Officer;

(f) the Executive Engineer; and

(g) the District Superintendent of Police

(*) At the head-quarter cantonment of the Division or Brigade the officer appointed under subsection (1) clause (a), in all other cases the Officer Commanding the cantonment shall be the President of the committee and the Cantonment Magistrate shall be the Secretary

(3) If the President is absent from any meeting, the next senior combatant officer present shall preside on that occasion

4. The Officer Commanding the Division may, by order in writing, appoint any residents of the cantonment, whether officials or non-officials to be additional members of the Cantonment Committee for such period as may be stated in the order and may similarly revoke any appointment so made

Additional members of Cantonment Committee

5. The Cantonment Committee (if any) shall discharge the functions of the cantonment authority under this Code

Cantonment Committee (if any) to discharge functions of cantonment authority

6. (1) The Governor General in Council, after consultation with the Local Government and the Officer Commanding the Division, may, by notification, direct, in respect of any cantonment in which a Cantonment Committee has not been constituted or has ceased to exist or cannot be convened, that any of the functions of the cantonment authority under this Code—

Provision where there is no Cantonment Committee

(a) shall be in abeyance, or

"shall be in abeyance, or

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Meetings of Cantonment Committee

7. (1) The Cantonment Committee (if any) shall meet for the transaction of business once at least in every month, and at such other times as the President may direct

Time and place of meetings and notice of business

(2) The time and place of each meeting shall be announced in Station Orders and shall be communicated to each member by a notice in writing issued by the Secretary

(3) Every notice issued under subsection (2) shall,—

(a) unless the President in any case otherwise directs be issued so as to reach each member three clear days before the meeting takes place, and

(b) be accompanied by an agenda paper specifying the business to be transacted at the meeting

(4) The President may permit the consideration of any business not specified in the agenda paper as aforesaid, unless a majority of the members require its postponement to a later meeting

(5) The President may by order in writing adjourn any meeting to any date to be fixed by the order

The Cantonment Code, 1912

(Chapter II—Cantonment Committees and Control—Sections 8 14)

Six days notice
required in
extra cases

Notice

tion or modification of any
at six clear days notice in

Quorum

ig unless there are present

- (a) three members of the committee, or
(b) half the total number of members
whichever number is the greater

Minutes of
proceedings to
be kept

Meetings to be
public

President for reasons to be recorded in the minutes otherwise direct

Decisions by
majority of
votes

12 (1) All questions coming before a meeting shall be decided by a
majority of the votes of the members present and voting

(2) In the case of an equality of votes the President shall have a second
or casting vote

(3) The dissent of any member from any decision of the Cantonment Com-
mittee with an abstract of the grounds therefor shall if the member so
requests be entered by the Secretary in the minutes

Control

Power of
President and
District
Magistrate to
suspend action
pending
reference to
higher authority

13 (1) If the President dissents from any decision of the Cantonment
Committee he may for reasons to be recorded in the minutes by order in

receipt of such notice direct the suspension of action on the decision pending
the disposal of the reference to the Local Government and shall forthwith
report the matter to the Officer Commanding the Division through the Officer
Commanding the Brigade if any

(3) If the Magistrate appointed to represent the District Magistrate on
the Cantonment Committee is present at a meeting and dissents from any
decision which he considers prejudicial to the public health safety or con-

Controlling
power of Officer
Commanding
the Brigade

14 (1) The Officer Commanding the Brigade may by order in writing—
(a) call for any book or document in the possession or under the control
of the cantonment authority

(b) require the cantonment authority to furnish such statements ac-
counts reports and copies of documents relating to its proceedings
or duties as he may think fit,

(c) refer

The Cantonment Code, 1912

(Chapter II—Cantonment Committees and Control—Sections 15 16
Chapter III—The Cantonment Magistrate and Cantonment Servants—
Section 17)

(d) direct that any matter or any specific proposal, other than one which has been referred to the Local Government under section 13, sub section (2), be brought before the Cantonment Committee

(2) The Officer Commanding the Brigade may, by a like order,—

(e) direct the suspension for such period as may be stated in the order, of action on any decision of the Cantonment Committee which has not been referred to him under section 13, sub section (1); or

(f) when any decision of the Cantonment Committee has been referred to him under section 13 sub section (1), either—

(i) cancel the order given by the President directing the suspension of action, or

(ii) extend its duration for such period as may be stated in his order or

(iii) declare the modifications with which the decision may be carried into effect by the Cantonment Committee

(3) When the Officer Commanding the Brigade directs the suspension of action on any decision of the Cantonment Committee, or extends the duration of any order of suspension he shall forthwith refer the matter to the Officer Commanding the Division

15 The Officer Commanding the Division may, by order in writing,—

(a) exercise any of the powers conferred by section 14, sub section (1), on the Officer Commanding a Brigade,

(b) direct the suspension for such period as may be stated in the order, of action on any decision of the Cantonment Committee which has not been reported to him under section 13 sub section (2), or referred to him under section 14 sub section (3), or

(c) when any decision of the Cantonment Committee has been referred to him under section 14 sub section (3), either—

(i) cancel the order given by the President or the Officer Commanding the Brigade as the case may be, directing the suspension of action, or

(ii) extend the duration of the order for such period as may be stated in his order, or

(iii) declare the modifications with which the decision may be carried into effect by the Cantonment Committee

16 When any decision of the Cantonment Committee has been referred to the Local Government under section 13 sub section (3), the Local Government shall consult the Officer Commanding the Division and may then, by order in writing either—

(a) cancel the order given by the President directing the suspension of action, or

(b) extend its duration for such period as may be stated in its order, or

(c) direct that no action be taken on the decision; or

(d) declare the modifications with which the decision may be carried into effect by the Cantonment Committee

Controlling powers of Officer Commanding the Division.

Controlling powers of Local Government

CHAPTER III

THE CANTONMENT MAGISTRATE AND CANTONMENT SERVANTS

Cantonment Magistrate

17. (1) The Cantonment Magistrate shall be the executive officer of the cantonment authority, and all orders of the cantonment authority shall be issued through him.

Position and general duties of Cantonment Magistrate

The Cantonment Code, 1912

(Chapter III—The Cantonment Magistrate and Cantonment Servants—Sections 18-22)

(2) The Cantonment Magistrate, as Secretary of the Cantonment Commission, shall be subordinate to the Cantonment authority, and shall be subordinate to the officer appointed under section 3

(3) The Cantonment Magistrate shall see that all orders of the Cantonment authority are duly obeyed

(4) The Cantonment Magistrate shall, as far as practicable, keep a record of every final order issued by him in his official capacity

Cantonment Servants

Number and salaries of servants of Cantonment authority

and salaries of the servants to be employed by it

(2) Every alteration in the number of such servants or in their salaries shall be subject to the sanction and control aforesaid

Register of menial servants of Cantonment authority

19 The Cantonment Magistrate shall maintain such public register of menial servants employed by the Cantonment authority as may be instituted by that authority

Appointment and supervision of servants of Cantonment authority

20 The Cantonment Magistrate shall—

- (a) appoint all servants required by the Cantonment authority
- (b) apportion control and superintend the performance of the duties of all such servants,
- (c) disburse the salaries of all such servants and
- (d) deal with applications from such servants for leave of absence

Provided that no person shall be appointed under this section who has been dismissed for misconduct from employment under any other Cantonment or local authority or any Department of the Government

Enforcement of servants of Cantonment authority

21 The Cantonment Magistrate may, for reasons to be recorded by him in writing, fine, suspend, dismiss or reduce to a lower grade or salary any servant of the Cantonment authority

Provided first that no fine so imposed shall exceed one week's salary of the servant fined

Provided secondly, that the Cantonment Magistrate shall submit to the Cantonment authority a monthly list of all such fines, suspensions, dismissals and reductions

Penalty for obstructing or molesting any person employed by the Cantonment authority

22 Whoever obstructs or molests any person employed by the Cantonment authority

The Cantonment Code, 1912

*(Chapter III—The Cantonment Magistrate and Cantonment Servants—
Sections 23-26)*

(2) Whoever, being a sweeper employed by the cantonment authority, in health or safety

Explanation—In this section the word "sweeper" includes any menial employed by the cantonment authority in the removal or disposal of filth or rubbish

24. (1) The Cantonment Magistrate shall require every servant of the cantonment authority who is entrusted with the receipt, custody or control of moneys or securities for money, to furnish security for the due discharge of his office to such amount as the cantonment authority may determine

(2) No security shall be accepted other than a deposit of—

- (a) cash, or
- (b) Government securities, or
- (c) shares in the Bank of Bengal, the Bank of Madras or the Bank of Bombay, or
- (d) debentures or other securities for money issued by or on behalf of a local authority

Explanation—In this section the words "deposit of cash" include savings bank deposits if pledged to the President of the Cantonment Committee, or where there is no such committee, to the Commanding Officer of the cantonment

25. On or about the first day of January in each year, the Cantonment Magistrate shall submit to the cantonment authority a report as to the sufficiency of the security furnished by or on behalf of its servants

Annual report as to sufficiency of security furnished.

Provided that no such moneys or securities as aforesaid shall be delivered up,—

- (b) if deposited by or on behalf of a contractor, then, in the absence of any condition in the contract to the contrary, until after the lapse of such time after the completion of the contract to the satisfaction of the cantonment authority as that authority may direct

The Cantonment Code, 1912

(Chapter IV—Cantonment Fund—Sections 27-29)

CHAPTER IV

CANTONMENT FUND

Credits to Fund

Sums to be credited to cantonment fund

27 There shall be placed to the credit of the cantonment fund the following sums, namely—

- (a) all sums directed by section 19 sub section (1), of the Cantonments Act 1910 or by or under any other enactment for the time being in force, to be placed to the credit of that fund, and
- (b) all grants in aid and other sums received by the cantonment authority in aid of that fund

Grants in-aid.

28. (1) The Secretary to the Government of India in the Army Department shall, from time to time, intimate to the Officer Commanding the Division the annual sum (if any) which will from time to time be placed at his disposal by the Government of India as a grant in aid to the cantonment funds in his Division

(2) The Officer Commanding the Division shall distribute the said sum among the said cantonment funds in such proportions as he may think fit

Application of Fund

Purposes to which cantonment fund may be applied

29. (1) The cantonment fund may be applied to the following purposes within the cantonment, namely—

- (a) the payment of any expenses directed by or under any enactment for the time being in force to be debited to the fund,
- (b) the payment of such allowances to officers performing the duties of Cantonment Magistrates, as the Commander in Chief in India with the concurrence of the Local Government may determine,
- (c) the provision and maintenance of an office for the cantonment authority,
- (d) the payment of the salaries of the cantonment establishment, or any contribution to a provident fund on account of any member of that establishment,
- (e) the survey of buildings and lands,
- (f) the management and improvement of lands and other property placed by the Government under the management of the cantonment authority, including—

- (i) the construction and maintenance of streets (other than those maintained from Imperial or Provincial funds),
- (ii) the lighting, watering and cleansing of streets, and
- (iii) the maintenance of public parks and gardens and the planting and tending of trees,

(g) the provision and maintenance, or the aiding, of hospitals, dispensaries and schools and the conveyance of patients to and from

- (h) the pay of the public conservancy establishment,
- (ii) the construction of public latrines and other conservancy works, and
- (iii) the purchase of all necessary conservancy carts, utensils and other appliances,

The Cantonment Code, 1911

(Chapter IV—Cantonment Fund—Sections 30-33)

- (d) the burial, burning or other lawful disposal of the corpses of paupers and unknown persons,
- (m) the abatement of nuisances
- (n) the taking of a census, and
- (o) generally the payment of all expenses incurred under this Code or any other rule or law for the time being in force

Estimates and Sanctions

30. No money shall be paid from the cantonment fund unless the expenditure is either—

Money not to be paid unless expenditure sanctioned

- (a) provided for in the sanctioned budget estimate, or by re appropriation under section 33 or
- (b) sanctioned by the Officer Commanding the Division, and
- (c) in the case of expenditure on Public Works, unless detailed estimates have been prepared and sanctioned

31. The cantonment authority shall under the direction of the Officer Commanding the Division be responsible for administering the funds provided in the sanctioned budget estimate or sanctioned under section 30, clause (b)

Responsibility—
for administering funds

32. (1) On the first day of June in each year, or on such other date as the Officer Commanding the Division may direct, the cantonment authority shall submit to the Officer Commanding the Brigade or Officer Commanding the Division as the case may be a budget estimate of the receipts (including any grant-in aid) into, and expenditure from, the cantonment fund for the ensuing financial year

Submission and
sanctioning of
budget
estimates

(2) The budget estimate shall be framed in accordance with Form 8 in Schedule I, or in such other form as may from time to time be prescribed by the Comptroller General with the previous sanction of the Governor General in Council

(3) The Officer Commanding the Brigade may revise the budget estimate and shall submit it to the Officer Commanding the Division

(4) The Officer Commanding the Division may sanction the budget estimate, with or without modification

(5) The sanction of the Officer Commanding the Division to the budget estimate shall be communicated by him to the Officer Commanding the Brigade and the cantonment authority

33. (1) The cantonment authority may—

Re-appropriation.

- (a) with the previous sanction of the Officer Commanding the Division, re appropriate any sum from one major head of the budget estimate to another

The Cantonment Code, 1912

(Chapter IV—Cantonment Fund—Sections 34-36)

- (b) with the previous sanction of the Officer Commanding Brigade, to appropriate any sum from one estimate to another minor head, or from one major head to another

(2) A copy of every order made under sub section (1) (b) shall be sent by the Officer Commanding the Brigade to the Officer Commanding the Division

Provided that no allotment to any major head shall, by re appropriation be varied by more than 10 per cent of its original amount, except with the previous sanction of the Officer Commanding the Division also

Payments

Examination
and order for
payment of
claims

34 (1) Every claim for payment from the cantonment fund shall be supported by a voucher duly receipted and (if necessary) stamped, and shall be presented—

- (a) to the President of the Cantonment Committee, or,
- (b) if so directed by the Officer Commanding the Division, to the Secretary to the Cantonment Committee, or,
- (c) where there is no Cantonment Committee to the Commanding Officer of the cantonment

(2) The President, Secretary or Commanding Officer, as the case may be, shall check and examine every claim presented under sub section (1), and, if it is found correct and is supported by a voucher as aforesaid, shall sign an order for the payment thereof

(3) If payment is to be made from the imprest, the order for payment shall be "Pay in cash rupees (in words)," and, if payment is to be made by cheque, the order shall be "Pay by cheque No. , dated , rupees (in words)," the blanks being filled up when the cheque is signed

Payments how
to be made

35 Payment shall be made,—

- (a) if the sum to be paid does not exceed twenty rupees, in cash, and,
- (b) if the sum to be paid exceeds twenty rupees, by cheque

Cheques

36 (1) Money may be drawn from the cantonment fund only by means of a cheque written in Form 4 in Schedule I

(2) Every cheque shall be signed as follows —

(a) where there is a Cantonment Committee,—

- (i) if the sum to be paid does not exceed five hundred rupees by the Secretary, or,
- (ii) if the sum to be paid exceeds five hundred rupees, by the President,

(b) where there is no Cantonment Committee, by the Commanding Officer of the cantonment

(3) Cheques drawn in favour of a Government officer shall be made payable to order, and cheques drawn in favour of any other person shall be made payable to bearer

(4) All cheque forms shall be bound in books with counterfoils

(5) Every cheque book shall bear a number, and each officer authorized by sub section (2) to sign cheques shall notify to the treasury the number of the cheque book which he from time to time brings into use

(6) On each cheque form there shall be entered the number of the cheque book in which the form is contained, and a consecutive number

(7) There shall be noted on the outside of each cheque book an order for its personal custody under lock and key by the officer who is authorised to use the

The Cantonment Code, 1919

(Chapter IV—Cantonment Fund—Sections 37-42)

look for the purpose of signing cheques; and, when such officer is relieved, he shall take a receipt for the number of cheque forms made over to the relieving officer and shall send to the treasury a specimen of the signature of the relieving officer.

(5) No cheque shall be current for more than three months from the date on which it was drawn. After the expiration of that period payment will be refused at the treasury, and it shall be necessary for the person in whose favour the cheque was drawn, to return it. In the event of a cheque being so returned, no fresh cheque will be issued, but the lapsed cheque shall be re-dated, and the alteration initialled, by the officer whose duty it would be under sub section (2), to sign the cheque, a note of the fact of re-dating being entered in the register of payments against the original transaction

37. (1) The amount of petty payments met out of the imprest shall be recouped by the Officer Commanding the Division, or, if the Officer Commanding the Division is absent, by the Accountant, or, if the Accountant is absent, by the Officer in Charge of the Accounts, to form an

(2) The amount of petty payments met out of the imprest shall be recouped by the Officer Commanding the Division, or, if the Officer Commanding the Division is absent, by the Accountant, or, if the Accountant is absent, by the Officer in Charge of the Accounts, to form an

38. Overdrafts on the cantonment fund shall be allowed only if sanctioned by the Officer Commanding the Division.

Receipts

39. (1) All moneys received for credit to the cantonment fund shall be entered in a register of receipts, to be kept directly or through a subsidiary register and, aid and fines, shall be acknowledged by receipt in the form prescribed by the schedule

(2) All receipts granted by way of acknowledgment under sub section (1) shall bear printed numbers in a consecutive series for each kind of receipt, and the number of every receipt so granted shall be entered in the second column of the register of receipts, or in the appropriate column of a subsidiary register

40. The cantonment authority shall be responsible for making such arrangements as will secure -

(a) that all moneys received for credit to the cantonment fund are duly brought to credit in the accounts

(b) that all moneys so received, with the exception of grants in aid and fines, are duly acknowledged by receipts in the form prescribed by section 39, or by chalangas duly receipted by the Treasury Officer; and

(c) that, whenever a receipt is given, the foil and counterfoil are duly filled up

Account of the Imprest

Bills for Expenditure

42. (1) Every item of expenditure shall be entered in a bill of one of the following kinds, namely -

(a) an establishment pay bill—for the pay of members of the cantonment establishment;

Expenditure to be entered in bill.

Responsibility of cantonment authority as to receipts

The Cantonment Code, 1913

(Chapter IV—Cantonment Funds—Sections 43-48)

(b) a travelling allowance bill—for the travelling allowances of members of the cantonment establishment, or

(c) a contingent bill—for all charges other than the pay and travelling allowances of members of the cantonment establishment

(2) Every establishment pay bill and every travelling allowance bill shall be prepared in the form for the time being prescribed by the Civil Account Code

(3) Every contingent bill shall contain full details of the charges incurred

Claims by contractors or tradesmen

43. (1) Claims for supplies or services by contractors or tradesmen shall be paid on bills presented by them

(2) Where any such claim as aforesaid is paid by cheque, the payment shall be at once entered in the register of payments, and, where it is paid in cash, the payment shall be entered in the imprest register

(3) Where a contractor or tradesman presents his bill in the vernacular, a brief abstract shall be endorsed thereon in English, stating the amount, the name of the payee and the nature of payment in the terms prescribed by Article 9 (b) of the Civil Account Code

Petty charges to be met from the imprest

44. (1) All petty charges to be met from the imprest shall be entered in bills prepared in the form for the time prescribed by the Civil Account Code

(2) Such bills as aforesaid shall be supported,—

(a) in the case of a payment for a telegram or of any other sum exceeding ten rupees by the original voucher on which the payment was actually made, and,

(b) in other cases by a certificate that the receipts of the payees have, as far as possible been obtained, and have been so destroyed, defaced or mutilated that they cannot be used again

(3) The certificate referred to in clause (b) of sub section (2) shall be signed by the Secretary to the Cantonment Committee or if there is no Cantonment Committee, by the Commanding Officer of the cantonment

Charges incurred direct by cantonment authority

45. (1) All charges incurred direct by the cantonment authority and paid by cheque shall be entered in bills prepared in the form for the time prescribed by the Civil Account Code

(2) The following certificate shall be recorded at the foot of every such bill and signed by the Secretary to the Cantonment Committee or, if there is no Cantonment Committee, by the Commanding Officer of the cantonment, namely —

I certify that the expenditure charged in this bill could not, with due regard to the interest of the cantonment be avoided. I have satisfied myself that the charges entered in this bill have really been paid.

(3) In the case of expenditure on Public Works, the usual completion certificate shall be furnished

Entry of Cheques in Accounts

Entry of payments by cheque

46. All payments made by cheque shall be entered in the register of payments, the vouchers being numbered in a monthly consecutive series

Deduction of amount of cancelled cheques.

47. Where a cheque is cancelled, the amount thereof shall be deducted from the expenditure by a minus entry in the appropriate column of the register of payments. The deduction shall then pass into the cash book through the daily total of payments carried into it

Accounts and Returns

Cash book

48. The cantonment authority shall keep a cash book in Form 7 in Schedule I. The cash book shall be balanced monthly, and the balance shown in it

The Cantonment Code, 1912

(Chapter IV.—Cantonment Fund—Sections 49-51)

reconciled with that shown in the pass book, to be kept in Form 3 in the said schedule, as follows:—

Balance as per pass book

Add—

Amount of imprest

Money received (two) late for remittance to
treasury

Total

Less—Outstanding cheques, as per details below —

Balance as per cash book

Cheques outstanding on

No.

Date

Amount

Total

49. (1) In the registers of receipts and payments the amounts sanctioned in the budget estimate for the year shall be entered at the top of the columns for the heads for which separate estimates are made

Entry of budget estimate in registers of receipts and payments

may be sanctioned estimate in register in

50. (1) At the end of each month the figures in the registers of receipts and payments shall be added up, the totals up to the end of the last preceding month being added to those of the month just expired and grand totals being made from the first day of April last preceding

Total of receipts and payments to be ascertained monthly

(2) Where the grand total under any head in the register of payments shows that the budget grant is likely to be exceeded, application shall at once be made for orders under section 30 clause (b) or section 33 as the circumstances may require, to cover the excess

51. (1) The accounts of the cantonment fund will be audited locally by the staff of the Examiner or Inspector of Local Fund Accounts on behalf of the Accountant General every year. To facilitate audit, all vouchers, with all sub vouchers above Rs10 attached to them, should be numbered in monthly series and filed in separate files for the several months. These vouchers, all registers maintained in the cantonment office and all other documents required for purposes of audit, should be produced whenever called for by the auditors, and any explanation required by those officers for the settlement on the spot of objections raised should be furnished without delay

Audit of accounts

action.

The audit report should contain the following certificate:—

The Cantonment Code, 1912

(Chapter IV.—Cantonment Fund—Sections 52-55)

which are being kept according to the prescribed rules. He should also advise the cantonment authorities on financial matters generally if necessary.

(4) All cases of fraud or embezzlement should at once be reported to the Accountant General who will at his discretion depute an auditor to investigate into the case and report to the Officer Commanding the Division the result of the enquiry.

Exception—The provisions of this section do not apply to the Aden cantonment fund, the accounts of which are audited by the Accountant General, Bombay.

Annual consolidated account

52. (1) The cantonment authority shall prepare annually a consolidated account showing the receipts into, and payments from, the cantonment fund, classified under the major heads, minor heads and sub heads contained in the monthly accounts.

(3) The consolidated account shall be forwarded in duplicate to the Examiner or Inspector of Local Accounts who will compare the two copies and forward one copy to the Officer Commanding the Division, retaining the other copy in his own office for check by the local auditors during audit with a view to furnishing the certificate of correctness.

Exception—The provisions of sub sections (2) and (3), so far as they relate to the local audit of accounts, do not apply to the Aden cantonment fund.

Classification

Classification of receipts and expenditure

53. (1) All receipts into, and expenditure from, the cantonment fund shall be classified, in the monthly and annual accounts, in accordance with Form 8 in Schedule I.

(2) All expenditure shall be classified in the monthly accounts under the appropriate major heads, minor heads, and sub heads with reference to the

Remittance to Treasury and Pass Book

All moneys to be remitted to treasury

54. The cantonment authority shall remit to the treasury all moneys received for credit to the cantonment fund.

Procedure for remittances to treasury

55. (1) Remittances to the treasury may be made either daily or weekly as may be most convenient.

Provided that all moneys in hand on the last working day of each month shall be remitted on that day.

(2) Every remittance shall be accompanied by a chalan or invoice and by the pass book.

(3) Where a remittance is made, the officer in charge of the treasury shall forthwith acknowledge its receipt by an entry in the pass book, and shall enter on the charge side of the pass book particulars of cheques paid up to date as recorded in his register.

The Cantonment Code, 1912

(Chapter IV.—Cantonment Fund—Sections 56-59 Chapter V.—Contracts—Sections 60-61.)

(4) The pass book shall be sent to the treasury on the last working day of each month, whether or not there are any moneys to be remitted to the treasury on that day. The officer in charge of the treasury shall then close the pass book for the month, and enter therein in words the balance in hand, signing the entry

56. (1) The cantonment authority shall from time to time examine the pass book and shall forthwith call the attention of the officer in charge of the treasury to any discrepancy appearing between the credits or debits shown therein and those shown in its registers

Supervision of pass book by cantonment authority

..... Officer in charge of the
..... no entries or marks
..... by any member of the

57. In addition to the forms above prescribed the cantonment authorities of the cantonments in the Madras Presidency, the funds of which are subject to local audit by the Accountant General, Madras, shall maintain registers in the forms specified in Schedule II, or in such other forms as may from time to time be prescribed in substitution thereof for adoption in the district municipalities of the said Presidency

Account forms for cantonments in Madras Presidency

Abstract Statements of Estimated and Actual Income and Expenditure

58. The Officer Commanding the Division shall forward to the Government of India in the Army Department, through the Quarter Master General in India,—

Abstract statements of estimated and actual income and expenditure.

(a) an abstract statement of the estimated income and expenditure from the several cantonment funds in his Division, and,

(b) as soon as possible after the close of each financial year, a statement showing under the several heads and subheads of receipt and expenditure set forth in Form 8 Schedule I, the actual income and expenditure of each of the cantonment funds in his Division for the preceding financial year, together with a certificate showing that the closing cash balance of each fund as shown in the annual account prescribed by section 52, has been compared with the balance as shown in the treasury pass book and found to be correct

Submission of proposals as to taxation

59. All proposals made by the cantonment authority for the imposition, abolition or modification of any tax shall be submitted to the Officer Commanding the Division for transmission to the Local Government

Submission of proposals as to taxation

CHAPTER V

CONTRACTS

60. Every contract made by the cantonment authority shall be executed on its behalf by the officer authorized by the Governor General in Council so to execute it under section 2 of the East India Contracts Act, 1870 *

Contracts by whom to be executed.

61. No lease or other contract, which is to remain in operation for more than twelve months, shall be executed on behalf of the cantonment authority without the previous sanction of the Officer Commanding the Division

Sanction required to execution of contract to remain in operation for more than twelve months

Provided that where any such lease as aforesaid is a lease of land, the sanction of the Officer Commanding the Division shall not be given without the concurrence of the Local Government

* As to the officers authorized under this Statute to execute contracts, see the following Resolution of the Government of India in the Home Department, namely:—

No. 1430-1450 (Judicial), dated the 9th October, 1911—Supplement to the *Gazette of India*, 1911.

*The Cantonment Code, 1912**(Chapter V—Contracts—Sections 62-66 Chapter VI—Nuisances and Sanitation—Section 67)*

Reference to
Executive
Engineer prior
to execution of
contracts for
works

62. No contract for the execution of a work shall be executed on behalf of the cantonment authority unless it has been examined and approved of by the Executive Engineer

Provided that, where a work is estimated to cost not more than five hundred rupees, the contract shall not be referred to the Executive Engineer unless the cantonment authority so directs

Sanction of
Cantonment
Committee or
Other
Commanding
Cantonment
required to
execution of
contracts
exceeding one
hundred rupees
in value

63 The officer authorized, as provided by section 60 shall not execute on behalf of the cantonment authority any contract the value or amount of which exceeds one hundred rupees without the previous sanction of—

(a) the Cantonment Committee, or,

(b) where a Cantonment Committee has not been constituted or has ceased to exist or cannot be convened, the Commanding Officer of the cantonment

Provided that, where there is a Cantonment Committee

Form of con-
tracts exceeding
fifty rupees in
value

64 Every contract executed on behalf of the cantonment authority, the value or amount of which exceeds fifty rupees except a contract for the sale of movable property shall be in writing and if the contract is for the execution of a work it shall be prepared in the form in use for that purpose in the Public Works Department under the orders of the Local Government

Security for
fulfilment of
contract

65 (1) The cantonment authority may direct that security be required for the fulfilment of any contract to be executed on its behalf, and that the whole or any part of the security be deposited before the contract is executed

(2) Where any security is required under sub section (1) it shall be of the nature specified in section 24 sub section (2), and shall be of such amount as the cantonment authority may think fit

(3) Where any security required as aforesaid has been given, the contract shall not be executed unless—

(a) it contains a clause specifying the nature and the amount of the security required and

(b) any sum directed to be deposited has been lodged with the cantonment authority

Saving of lessees
for building
sites

66 Nothing in this Chapter shall apply to any lease of land for the purposes of a building site

CHAPTER VI

NUISANCES AND SANITATION

Nuisances

Offences in
road or public
place

67 (1) Whoever,—

(a) in any street or public place within the cantonment,—

(i) is drunk and disorderly, or drunk and incapable of taking care of himself or

(ii) uses any threatening abusive or insulting words, or behaves in a threatening or insulting manner, with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned, or

(iii) eases himself or wilfully and indecently exposes his person or

(iv) begs importunately for alms, or

The Cantonment Code, 1918

(Chapter VI.—Nuisances and Sanitation —Section 67.)

- (v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or
- (vi) carries meat exposed to public view; or
- (vii) is found gaming; or
- (viii) pickets animals or collects carts; or
- (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, neglects to sweep away or otherwise effectually remove any portion thereof that may spill or fall on to such street or public place; or
- (x) without proper authority, affixes or causes to be affixed any bill, notice or other document upon any building, monument, post, wall, fence, tree or other thing, or
- (xi) without proper authority, defaces, or writes upon, or otherwise marks, any building, monument, post, wall, fence, tree or other thing, or
- (xii) without proper authority, removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Code, or
- (xiii) without proper authority, breaks, throws down or damages any direction post, lamp, lamp post or other thing maintained by the cantonment authority in such street or public place, or
- (xiv) carries a corpse, or causes the same to be carried, without keeping it decently covered, or without taking due precaution to prevent risk of infection or injury to the public health or annoyance to passers by or to persons dwelling in the neighbourhood, or
- (xv) carries night soil or other offensive matter or rubbish at hours, or by roads prohibited by the cantonment authority by public notice or in any pattern of cart or receptacle which has not been approved for the purpose by the cantonment authority or who fails to love such cart or receptacle, when in use or
- (b) carries a corpse along a route prohibited by the cantonment authority by public notice, or
- (c) deposits or permits his servant to deposit earth or materials of any description or any offensive matter or rubbish in any place not intended for the purpose on any street or public place, or waste or unoccupied land under the management of the cantonment authority, or
- (d) having charge of a corpse, fails to bury, burn or otherwise lawfully dispose of the same within twenty four hours after death, or
- (e) makes any grave or buries or burns any corpse, at an unauthorized place or
- (f) having entered or used a public conveyance under the circumstances or for any of the purposes mentioned respectively in section 189, fails to disinfect the same to the satisfaction of the cantonment authority, or
- (g) keeps or uses, or knowingly permits to be kept or used, any place as a
 - or plays any music; or
- (7) by singing, screaming or shouting, disturbs the public peace or order or
- (8) discharges firearms or lets off fireworks or fire balloons, or flies kites, or engages in any game, in such a manner as to cause or be likely to cause danger or annoyance to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property; or

(Chapter VI—Nuisances and Sanitation—Sections 68-69)

- (b) lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause, injury, danger, alarm or annoyance to any person, or
- (c) suffers any ferocious dog to be at large without a muzzle, or
- (d) sets on or urges any dog or other animal to attack, worry or put in fear any person, or
- (e) being the occupier of any building or land in or upon which an animal dies neglects within three hours after the death of the animal or, if the death occurs at night, within three hours after sunrise, either—
- to report the death to the Cantonment Magistrate or to some officer (if any) appointed by him to receive such reports with a view to the removal and disposal of the carcass by the public conservancy establishments or

- (p) except with the written permission of the cantonment authority, stores or uses night soil manure rubbish or any other substance emitting an offensive smell or
- (q) uses or permits to be used as a latrine any place not so meant to be used.

shall be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees

(2) Whoever does not take reasonable means to prevent any child under the age of twelve years in his charge from casing himself in any street or public place within the cantonment, shall be punishable with fine which may extend to twenty five rupees

68 (1) The Cantonment authority by any person authorised by it in this behalf, may—

- (a) destroy or cause to be destroyed or confine or cause to be confined for such period as the cantonment authority may direct, any dog suffering or reasonably suspected to be suffering from rabies or bitten by any dog or other animal suffering or suspected as aforesaid.

[C] United
Provinces
Municipal Act,
1900 s 123
as amended
by L 1 ed
Provinces
Act I of 1907]

- (b) 1

- (c) appoint from time to time¹ by public notice certain periods within

- 17 1 B value of 1 - 1' = 1' = 1' 2 ~ 3 4 = 3 - other shop

Sanitation

69 The following officers shall for the purpose of sanitation, have

used by the establishments under his charge

- (r) the Senior Supply and Transport Officers—all cattle yards slaughter houses transport lines and other places used by establishments under their charge

Destruction of
stray dogs at
appointed
periods

Division of responsibility for sanitation

The Cantonment Code, 1912

(Chapter VI—Nuisances and Sanitation—Sections 70-73)

(d) the head of any other Military or Civil Department occupying, as such, any part of the cantonment—all blocks of buildings, workshops and other places used by establishments under his charge

(e) the Cantonment Magistrate—the Sadar Bazar, all roads, and all other parts of the cantonment not under the control of any officer mentioned in clause (a), clause (b), clause (c) or clause (d)

Weekly sanitary report.

71. The Sanitary Officer shall exercise a general sanitary supervision over the whole cantonment, shall report every insanitary practice and every in

General duties of Sanitary Officer

72. The Cantonment Magistrate shall, subject to the other provisions of this Code and the control of the cantonment authority,—

Cantonment Magistrate's duties in respect of sanitation

(a) make, and supervise the carrying out of, all arrangements (including the provision and maintenance of a sufficient number of animals, vehicles, receptacles and implements, and of places for keeping the same) necessary for—

(i) the removal of night-soil and other offensive matter and rubbish from latrines, urinals, streets and all other places, public and private from which the removal of the same by the public conservancy establishments is directed by the cantonment authority,

(ii) the surface cleansing of all streets and the watering thereof, and

(iii) the maintenance in a sanitary condition of public and private

section 69.

(b) make frequent inspections of all parts of the cantonment with a view to ensuring that all orders of the cantonment authority on sanitary matters are duly obeyed and that the public conservancy establishments satisfactorily perform their duties, and

(c) take all necessary steps for remedying any defects in the sanitary condition of the cantonment of which he may become aware and for which funds can be provided

73. (1) So far as the funds at its disposal permit, the cantonment authority shall provide and maintain a sufficient number of public latrines and urinals, with all necessary conservancy establishments

Provision and maintenance of public latrines and urinals and conservancy establishments

(2) Such latrines and urinals shall be placed in proper and convenient situations as near as circumstances admit to the dwelling places or places of resort of the persons for whose use they are intended.

Provided that, except with the previous sanction of the Officer Commanding the Division, no latrine or urinal shall be placed within fifty feet and no trench latrine shall be placed within two hundred feet of any inhabited building

The Cantonment Code, 1912

(Chapter VI—Nuisances and Sanitation—Sections 68 69)

- (l) lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause, injury, danger, alarm or annoyance to any person or
- (m) suffers any ferocious dog to be at large without a muzzle, or
- (n) sets on or urges any dog or other animal to attack, worry or put in fear any person or
- (o) being the occupier of any building or land in or upon which an animal dies neglects within three hours after the death of the animal or, if the death occurs at night, within three hours after sunrise, either—
to report the death to the Cantonment Magistrate or to some officer (if any) appointed by him to receive such reports with a view to the removal and disposal of the carass by the public conservancy

- (p) except with the written permission of the cantonment authority, stores or uses night soil manure rubbish or any other substance emitting an offensive smell or
- (q) uses or permits to be used as a latrine any place not so meant to be used,

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees

(2) Whoever does not take reasonable means to prevent any child under the age of twelve years in his charge from sauntering himself in any street or public place within the cantonment shall be punishable with fine which may extend to twenty five rupees

68 (1) The cantonment authority by any person authorised by it in this behalf, may—

- (a) destroy or cause to be destroyed any dog for such period as may be necessary for suffering or bitten by any said,
- (b) ...

(c) appoint from time to time by public notice certain periods within

... dog destroyed or other ... includes a hut shop,

Sanitation

69 The following officers shall for the purpose of sanitation, have

under their charge

Destroy on of
at any dogs at
appointed
periods

[Cf United
Provinces
Municipal Act,

Division of
responsibility
for sanitation

*The Cantonment Code, 1912**(Chapter VI—Nuisances and Sanitation—Sections 70-73)*

(d) the head of any other Military or Civil Department occupying, as such, any part of the cantonment—all blocks of buildings, workshops and other places used by establishments under his charge

(e) the Cantonment Magistrate—the Sadar Bazar, all roads, and all other parts of the cantonment not under the control of any officer mentioned in clause (a), clause (b), clause (c) or clause (d)

Weekly sanitary report.

(*) Where any such officer as aforesaid reports that any part of the cantonment under his control is not, in his opinion, in a sanitary condition, he shall specify the defects and may make such suggestions for remedying the same as he may think fit

71. The Sanitary Officer shall exercise a general sanitary supervision over the whole cantonment, shall report every insanitary practice and every in

General duties of Sanitary Officer

72. The Cantonment Magistrate shall, subject to the other provisions of this Code and the control of the cantonment authority,—

Cantonment Magistrate's duties in respect of sanitation

(a) make, and supervise the carrying out of, all arrangements (including the provision and maintenance of a sufficient number of animals, vehicles, receptacles and implements and of places for keeping the same) necessary for—

(i) the removal of night-soil and other offensive matter and rubbish from latrines, urinals, streets and all other places public and private from which the removal of the same by the public conservancy establishments is directed by the cantonment authority,

(ii) the surface cleansing of all streets and the watering thereof and

(iii) the maintenance in a sanitary condition of public and private

section 69,

(b) make frequent inspections of all parts of the cantonment with a view to ensuring that all orders of the cantonment authority on sanitary matters are duly obeyed, and that the public conservancy establishments satisfactorily perform their duties, and

(c) take all necessary steps for remedying any defects in the sanitary condition of the cantonment of which he may become aware and for which funds can be provided

73. (1) So far as the funds at its disposal permit, the cantonment authority shall provide and maintain, a sufficient number of public latrines and urinals, with all necessary conservancy establishments

Provision and maintenance of public latrines and urinals and conservancy establishments

(2) Such latrines and urinals shall be placed in proper and convenient situations, as near as circumstances admit to the dwelling places or places of resort of the persons for whose use they are intended.

Provided that, except with the previous sanction of the Officer Commanding the Division, no latrine or urinal shall be placed within fifty feet and no trench latrine shall be placed within two hundred feet, of any inhabited building

*The Cantonment Code, 1912**(Chapter VI—Nuisances and Sanitation—Sections 74-77)*

(a) Sanitation in the Cantonment

as the case may be

Directions as to
provision of
public latrines
and establishments
therefor

74 (1) In providing public latrines the cantonment authority shall observe the following directions, namely—

- (a) such number of latrines shall be provided as will admit of there being one compartment for the use of every fifteen adults using the latrines,
- (b) no latrine shall be constructed for the use of more than five hundred adults,
- (c) every latrine, other than a trench latrine, shall be provided with proper closed iron receptacles in the proportion of not less than two for every hundred adults using the latrine, and with not less than one iron or glazed earthen pan for each compartment,
- (d) for every latrine other than a trench latrine, there shall be provided,—
 - (i) for the cleansing thereof, sweepers in the proportion of not less than one for every hundred adults using the latrine, and
 - (ii) for the removal of night soil therefrom, air tight iron filth carts in the proportion of not less than one for every five hundred adults using the latrine, or, where carts cannot be used sweepers in the proportion of not less than three for every five hundred adults using the latrine, and
- (e) for every trench latrine there shall be provided digging sweepers in the proportion of not less than one for every two hundred adults using the latrine

Provided that if in any case it is impracticable, owing to want of funds or for any other sufficient reason, fully to observe the foregoing directions, the Officer Commanding the Division may declare the extent to which they shall be observed

(2) No public latrine shall be constructed or rebuilt except on a plan approved of by the Officer Commanding the Division

Receptacles or
places for tem-
porary deposit
of offensive
matter and
rubbish

75 The cantonment authority shall, whenever necessary, provide and maintain in proper and convenient positions receptacles or places for the temporary deposit of offensive matter and rubbish

Places for dis-
posal of offen-
sive matter and
rubbish
Cesspools
receptacles for
filth etc

76 The cantonment authority shall appoint places for the disposal of night soil, carcasses and other offensive matter and rubbish

77. The Cantonment Magistrate may, by notice in writing—

- (a) require any person having the control, whether as owner, lessee or occupier, of any land or building,—
 - (i) to close any offensive cesspool belonging to the land or building, or
 - (ii) to provide a receptacle (of a pattern if any approved of by the cantonment authority) for filth or sullage water accumulating on or in the land or building, or
 - (iii) to keep in a cleanly condition (in such manner, if any, as may be prescribed by the notice), any receptacle provided for such filth, or
 - (iv) to prevent the water of any private latrine, urinal, sink or bathroom, or any other offensive matter, from soaking, draining, flowing or being put from the land or building upon any street or public place or into any water course or into any drain not intended for the purpose, or

*The Cantonment Code, 1912**(Chapter 11—Nuisances and Sanitation—Section 78)*

- (b) require any person who has the control, whether as owner, lessee or occupier, of any land or building, and has allowed any offensive matter or rubbish to accumulate or remain thereon or therein, to collect the same and deposit it, for removal by the public conservancy establishment, at such times and in such receptacles or places situate at not more than one hundred feet from the nearest boundary of the premises as may be specified in the notice, or
- (c) require any person to desist from making or altering any drain leading into a public drain, or
- (d) require any person who is creating or likely to create a nuisance by—
 - (i) altering obstructing or encroaching upon a public drain, or
 - (ii) impeding the flow of water owing to the absence of a culvert or the existence of an insufficient culvert under a path leading to his premises,
 to desist therefrom, or
- (e) require any person having the control of a drain to remove, within a period to be specified in the notice, any obstruction from the same, or to cleanse, purify, repair or alter the same or otherwise put it in good order, or
- (f) require any person, being the owner, or having the control of any well, to disinfect or otherwise purify the same or protect it against contamination, in such manner and within such period as may be specified in the notice

78 The cantonment authority may by notice in writing—

Private
latrines.

- (a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use or
- (b) where any plan for the construction of private latrines or urinals has been approved of by the cantonment authority and copies thereof may be obtained free of charge on application,—

(i) req

that plan or

- (ii) require any person having the control of a private latrine or urinal to rebuild or alter the same in accordance with that plan, or

- (c) require the owner or other person having the control of any private

stood, or

- (d) require any person having the control, whether as owner, lessee or occupier, of any land or building—

- (i) to have any latrine provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling or working in the neighbourhood or
- (ii) to cleanse with deodorants any latrine or urinal belonging to the land or building, or

- (e) where any land or building is situate within one hundred feet of a

The Cantonment Code, 1912

(Chapter VI—Nuisances and Sanitation—Sections 79-83)

- (f) require any person who is constructing or laying a drain to obey any directions which the cantonment authority may, on the advice of the Executive Engineer, think fit to give in order to ensure the completion of the work to its satisfaction or
- (g) require any person, being the owner and having the control of any drain to provide and apply to the same, within ten days from the service of the notice such covering as may be specified in the notice

Provision of latrines etc

79. The cantonment authority may by notice in writing require the owner, lessee or occupier of any land to cause the same to be kept in proper order and to be daily cleaned

(2) The cantonment authority may, by notice in writing require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order and to be daily cleaned

Employment of

80. (1) The cantonment authority may provide for the performance by its agents of the duties referred to in this section all matter removed by such agents in performing such duties shall be at the disposal of that authority

fails to make arrangements to the satisfaction of the cantonment authority for the performance of such duties

(2) Where the cantonment authority has provided for the performance by its agents of the duties referred to in this section all matter removed by such agents in performing such duties shall be at the disposal of that authority

Removal of noxious vegetation.

81. The cantonment authority may by notice in writing require the owner, lessee or occupier of any land to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to the neighbourhood

Filling up of tank or marshy ground or draining off or removal of stagnant water

notice to fill up the tank or ground or to drain off or remove the water, as the case may be

Provided that, if in the opinion of the cantonment authority it is unreasonable to throw the whole expense on the owner, lessee or occupier it may with the previous sanction of the Officer Commanding the Division require him to pay only a proportion of the expense

Removal of overcrowded buildings

(a) the Sanitary Officer,

(b) the Civil Surgeon of the district, or, if his services are not available some other medical officer of the Government and

(c) the Executive Engineer or some person deputed by the Executive Engineer in this behalf

writing to the cantonment authority and if it considers that there is risk of disease to the neighbourhood or to endanger the

The Cantonment Code, 1912

(Chapter VI.—Nuisances and Sanitation—Sections 84-87)

(5) If upon receipt of such report, the cantonment authority is of opinion that all or any of the buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them

Provided, first, that the cantonment authority shall make compensation to such owners for any buildings which may have been erected under proper authority: and

so to sub section
ment authority
a committee of

Explanation—In this section, the word "buildings" includes enclosure walls or fences connected with buildings

that any building used Reduction of
health of the inmates number of
by notice in writing, re inmates of over
specified in the notice, to crowded
the number of lodgers dwelling

85. (1) Where any building is so ill constructed or dilapidated as to be, in the opinion of the cantonment authority, in an insanitary state, the cantonment authority may, by notice in writing, require the owner, within a time to be specified in the notice, to execute such repairs, or to make such alterations, as it may think necessary in order to remove such defects

Power to require
that building
be repaired or
altered so as
to remove
sanitary defects

(2) A copy of every notice issued under sub section (1) shall be conspicuously posted on the building to which the notice relates

Explanation—A notice issued under sub section (1) shall be deemed to have been complied with if the owner of the building to which it relates, has, instead of executing the repairs or making the alterations directed by the notice, removed the building

The Cantonment Code, 1912

*(Chapter VII—Control over Streets, Buildings, Lands, Trees, etc—
Sections 88-93)*

CHAPTER VII

CONTROL OVER STREETS, BUILDINGS, LANDS, TREES, ETC

Streets and Buildings

- Power to attach brackets for lamps 88 The cantonment authority may attach to the outside of any building [C/ Pub 111 of 191 178] brackets for lamps in such manner as not to occasion any injury thereto or inconvenience
- Temporary occupation of street, land, etc 89 The cantonment authority may, by order in writing, permit the temporary occupation of any street, or land vested in it, for the purpose of depositing any building materials, or making any temporary excavation

Names of streets and numbers of buildings

Pub. 111 of 191

to time, cause such names and numbers to be altered

(2) Whoever destroys, pulls down or defaces any such name or number or puts up any name or number differing from that put up by order of the cantonment authority, shall be punishable with fine which may extend to twenty rupees

Roofs and external walls not to be made of inflammable materials

91 The cantonment authority may by public notice, direct that within [C/ Pub 111 of 191 181] certain limits, to be fixed by the notice the roofs and external walls of huts or other buildings shall not, without its permission in writing, be made or renewed of grass, mats, leaves or other highly inflammable materials, and may by notice in writing, require any person, who has disobeyed any such direction as aforesaid, to remove or alter the roofs or walls so made or renewed as it may think fit

Notice of new buildings

92. (1) Whoever, except in such a case as XXXI, intends to erect or re-erect any building in the manner hereinafter prescribed of his authority, and the cantonment authority may receipt of the notice refuse to sanction the building, or may sanction it

may consist,

- (d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth,
- (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure,
- (f) the line of frontage with neighbouring buildings, if the building abuts on a street, and
- (g) the means to be provided for egress from the building in case of fire, and the person erecting or re-erecting the building shall obey all such written directions

Provided that the cantonment authority shall make full compensation to the owner for any damage which he may sustain in consequence of its prohibition of the re-erection of any building, or of its requiring any land belonging

use the building

(1) Where any building is begun or erected without the giving of the notice and the submission of the plans and specification required by this sec

The Cantonment Code, 1912

*(Chapter VII—Control over Streets, Buildings, Lands, Trees, etc —
Sections 93-95)*

(4) Where the cantonment authority neglects or omits for six weeks after the receipt of a valid notice under this section to make and deliver to the person who has given the notice, any order in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely

(5) Every sanction for the erection or re erection of a building given or deemed to have been given by the cantonment authority as aforesaid shall be available for one year from the date on which the notice became valid and

Provided that no sanction under section 92 shall act as a bar to any proceedings under sections 77 to 87

Explanation—In this section the expression 'erect or re erect any building' includes—

building not
habitation of a
tation into a
greater number of such places

(1) the addition of any rooms, buildings, out houses or other structures to any building

Projections and obstructions.

(2) The cantonment authority may, by notice in writing require the owner or occupier of any building to alter or remove any such projection or encroachment as aforesaid

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Code, the cantonment authority shall make reasonable compensation for any damage caused by the removal or alteration

95 The cantonment authority may, by notice in writing require any person who has, without its permission in writing, newly erected or re-erected any building over any public sewer, drain, culvert, water course or water pipe, to pull down or otherwise deal with the same as it may think fit.

*The Cantonment Code, 1919**(Chapter VIII—Control over Sarais, Encamping grounds, Traffic, etc—
Sections 109-114)*

- (b) to maintain a sufficient supply of pure water for the use of persons frequenting the sarai,
- (c) to keep all parts of the sarai in a clean and sanitary condition, and
- (d) to give any information which the Cantonment Magistrate may, by notice in writing, require regarding—
 - (i) the boundaries of the sarai, and
 - (ii) any matters affecting its management and condition

(2) Whoever fails to give the Cantonment Magistrate any information required under this section or wilfully gives him false information, shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure

Power to require
report as to
persons using
sarai

109 (1) The Cantonment Magistrate may, by notice in writing, require

(2) Where a written report is required, the form in which the same is to be furnished may be specified in the notice

(3) Whoever fails to comply with any notice issued under this section or

Power to close
sarais

(2) A notice issued under sub section (1) shall be cancelled and cease to have effect, if the keeper of the sarai satisfies the cantonment authority that no such breach as aforesaid would be likely to occur in the event of the sarai being re opened to the use of the public

Saving of Sarais
Act, 1867

111. The provisions of sections 108, 109 and 110 shall not apply to any cantonment to which the Sarais Act, 1867, for the time being extends XVII

Encamping grounds, etc

Encamping
grounds and
pitching of
tents

112. (1) No place in the cantonment shall be used as an encamping ground or for the pitching of tents without the permission in writing of the cantonment authority

(2) Such permission as aforesaid may be granted subject to any conditions which the cantonment authority may think fit to impose with respect to sanitary arrangements and other matters affecting the public health, safety or convenience

Markets and Slaughter houses

Sale in markets
of articles unfit
for human
consumption
Hours during
which markets
may be kept
open.

113. No person shall in any market sell, or expose for sale, any article of food or drink for human consumption which is unfit therefor

114. (1) The cantonment authority may, by public notice, limit the hours during which any market may be kept open for public use

(2) A copy of every notice issued under sub section (1) shall be conspicuously posted in each market to which the notice relates

The Cantonment Code, 1912

(Chapter VIII—Control over Sardis, Encamping grounds, Traffic, etc—Sections 115-120)

115. The Sanitary Officer and the Cantonment Magistrate shall frequently inspect—

Sanitary Officer and Cantonment Magistrate to inspect markets

- (a) articles of food and drink for human consumption kept for sale in markets,
- (b) the water supply of markets,
- (c) the arrangements for the removal and disposal of offensive matter and rubbish from markets, and
- (d) all other arrangements for maintaining markets in a proper sanitary condition

116. The cantonment authority may, by public notice, prohibit the sale, or exposure for sale, of any animal or article, or class of animals or articles, in any public market

Power to prohibit or restrict sales in public markets

117. Where the owner or the person in charge of a private market applies for a license therefor, such license shall be granted on payment of the prescribed fee, if any, by the Cantonment Magistrate on his being satisfied—

Licensing of private markets

- (a) that convenient passages have been provided between the shops, stalls, sheds or standings in the market,
- (b) that a sufficient supply of pure water is provided for the market,
- (c) that, in the case of a large market, one or more public latrines, at a distance of not less than fifty yards from the market, and one or more public urinals according to requirements, are provided for the use of persons frequenting the market, and
- (d) that suitable arrangements are made for—
 - (i) keeping the market in a clean and sanitary condition and removing offensive matter and rubbish therefrom,
 - (ii) the proper ventilation of the buildings and structures in the market, and
 - (iii) the proper maintenance of the public latrines and urinals (if any) provided for the use of persons frequenting the market

118. No private market shall, after the commencement of this Code, be opened to public use until it has been licensed

New private markets to be licensed

119. (1

(a) by

law, or,

(b) by public notice, the owners or the persons in charge of any class of such markets,

to furnish, within a time to be specified in the notice, any information which may be needed for the purpose of determining whether a license should be required for any such market

(2) On the expiration of such time as aforesaid the cantonment authority shall determine, in respect of each market to which the notice relates, whether or not it is necessary to require a license

(3) Where the cantonment authority determines that a license shall be required for any such market and a license therefor either is not applied for or is refused, the cantonment authority may, by notice in writing, require the owner or the person in charge of the market to close the same until a license has been obtained

120. The owner or the person in charge of a licensed market shall be bound—

Notice of owners or persons in charge of licensed markets

- (a) to maintain convenient passages between the shops, stalls, sheds or standings in the market,
- (b) to maintain a sufficient supply of pure water for the market,

(d) to maintain in good order any public latrines or urinals which may have been provided for the use of persons frequenting the market

121 (I) Where the owner or the person in charge of a licensed market stall, the canton may be inflicted a fine of up to 100 francs for each period to be

(3) A copy of every order made under sub section (1) shall be conspicuously posted in the market to which the order relates

122 The Cantonment Magistrate shall maintain a register of all private markets which have been licensed under this Chapter, showing—

(b) where the license has been suspended, the date and period of the suspension, or,

(c) where the license has been withdrawn, the date of the withdrawal

123 Whoever
the time being s
therein any meat
food for human
term which may
runess

124 (1) Subject to the provisions of subsection (2) no person shall without or otherwise than in conformity with the terms of a license granted by the Cantonment Magistrate in this behalf, use any place as a slaughter house or for the slaughtering of any cattle, sheep, goats or pigs intended for human food

(g) Nothing in sub section (f) shall be deemed—

(1)

(ii) to prevent the Cantonment Magistrate, acting with the sanction of the cantonment authority, from setting apart places for the sacrifice of animals in accordance with religious custom and for the sale of flesh thereof, or

(iii) to limit or otherwise affect the right to slaughter, in or upon private premises, a kid intended solely for domestic consumption

(3) No fee shall be chargeable upon any license granted under this section

125 (1) Whoever—

(a) uses any place in contravention of section 124 or

(b) omits to give any notice required by any order made in pursuance of sub section (c), clause (i), of the said section,

shall be punishable with fine which may extend to fifty rupees, and

(*) Whoever, after having
sub section (1), clause (i) of
section 124, shall be
which he continues so to offer
rupees

The Cantonment Code, 1910

(Chapter VIII—Control over Sardin, Encamping grounds, Traffic, etc.—See
tions 125 129)

126. Where the cantonment authority has made or approved of any arrangements for—

- (a) passing and marking animals in a slaughter house as being suitable for slaughter, or
- (i) regulating the admission into a slaughter house of persons carrying on business or trade or working for gain therein or regulating the conduct of such persons therein,

Management of
slaughter-houses
generally

the owner or the person in charge of the slaughter house shall not slaughter, or permit to be slaughtered any animal therein unless those arrangements are duly observed

127. (1) The cantonment authority may, by public notice, limit the hours during which any slaughter house may be kept open for use and the slaughter of animals may be permitted therein

Hours during
which slaughter-
house may be
kept open.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in each slaughter house to which the notice relates

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter house to which the notice relates

128. Where the owner or the person in charge of a private slaughter house applies for the license therefor such license shall be granted on payment of the prescribed fee, if any, by the Cantonment Magistrate on his being satisfied—

Licensing of
private
slaughter-
houses.

- (a) that convenient passages have been provided between any pens, standings or yards in the slaughter house
- (b) that a sufficient supply of pure water has been provided for the slaughter house,
- (c) that sufficient drains have been provided
- (d) that the premises are so enclosed as to prevent the interior being visible by passers by and
- (e) that suitable arrangements have been made for—
 - (i) keeping the slaughter house in a clean and sanitary condition and removing offensive matter and rubbish therefrom,
 - (ii) the proper ventilation of the buildings and structures in the slaughter house
 - (iii) the proper maintenance of the drains and of any public latrines and urinals that may be required for the use of persons frequenting the slaughter house,
 - (iv) the treatment of animals in the slaughter house,
 - (v) the slaughter of animals in a humane manner within an enclosure so constructed that animals placed therein shall be out of sight of animals kept outside,
 - (vi) the removal of animals to such enclosure as aforesaid,
 - (vii) the disposal or destruction of animals which are offered for slaughter and are from disease or any other cause unfit for human consumption, and
 - (viii) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption

Provided that no license shall be granted for a slaughter house opened after the commencement of this Code, if the slaughter house is situate at any

The Cantonment Code, 1912

(Chapter VIII—Control over Sarais, Encamping grounds, Traffic, etc—
Sections 130-135.)

place which the cantonment authority thinks, especially with regard to any neighbouring drains or water courses, to be objectionable

New private
slaughter
houses to be
licensed

Power to require
existing private
slaughter
houses to be
licensed

130 No private slaughter house shall, after the commencement of this Code, be opened to public use until it has been licensed

131. (1) The cantonment authority may, by notice in writing, require the owner or the person in charge of the commencement of the slaughter house to be specified in the notice the purpose of determining

(2) On the expiration of such time as aforesaid the cantonment authority shall determine whether or not it is necessary to require a license

(3) Where the cantonment authority determines that a license shall be required, the license shall be granted in writing and shall be subject to the conditions specified in writing require to close the same

Duties of
owners of
persons in
charge of
licensed
slaughter
houses

132 The owner or the person in charge of a licensed slaughter house shall be bound—

- (a) to maintain convenient passages between any pens, standings or yards in the slaughter house,
- (b) to maintain a sufficient supply of pure water for the slaughter house,
- (c) to keep the slaughter house in a cleanly and sanitary condition, to provide and maintain receptacles for refuse, and to remove all offensive matter and rubbish from the slaughter house,
- (d) to maintain in good order the drains of the slaughter house and any public latrines or urinals which may have been provided for the use of persons frequenting it
- (e) to maintain suitable arrangements for the purposes mentioned in section 129 clause (e) sub clauses (iv) to (vi), and
- (f) to prevent the keeping of animals at the slaughter house for more than twenty four hours

Power to
suspend or
withdraw
licenses for
slaughter
houses.

period to be specified in the order, or withdraw the license

(2) No slaughter house for which a license has been granted under this Chapter, shall be kept open to public use, and no animal shall be slaughtered therein, while the license therefor is suspended or after the same has been withdrawn

(3) A copy of every order made under sub section (1) shall be conspicuously posted in the slaughter house to which the order relates

Register of
private
slaughter
houses.

134 The Cantonment Magistrate shall maintain a register of all private slaughter houses which have been licensed under this Chapter, showing—

- (a) the date on which the license was granted, and,
- (b) where the license has been suspended, the date and period of the suspension, or,
- (c) where the license has been withdrawn, the date of the withdrawal

Flaughtering in
slaughter houses
when license
suspended or
withdrawn.

Flaughtering in slaughter houses when license is suspended or withdrawn, shall be prohibited, and no animal shall be slaughtered in any slaughter house in which any animal has been slaughtered when the license is suspended or withdrawn

The Cantonment Code, 1912.

(Chapter VIII.—Control over Sardis, Encamping grounds, Traffic, etc — Sections 136-145)

136. (1) The cantonment authority may—

- (a) charge, for the occupation or use of any stall, shop, standing, shed or pen in a public market or slaughter house, and for the right to expose goods for sale in a public market and for weighing and measuring goods sold therein, and for the right to slaughter animals in any public slaughter house, such stallages, rents and fees as shall from time to time be fixed by it, in this behalf, or
- (b) farm the stallages, rents and fees leviable as aforesaid, or any portion thereof, for any period not exceeding one year at a time
- (8) A copy of the table of stallages, rents and fees (if any) leviable in

Levy of stallages, rents and fees in public markets and slaughter-houses

writing of the canton sheep, goats or swine and flesh.
uch animal slaughtered

(2) Any animal or flesh brought into the cantonment in contravention of sub section (1), may be seized by the Cantonment Magistrate or by any servant of the cantonment authority and sold or otherwise disposed of as the cantonment authority may direct, the sale proceeds being credited to the cantonment fund

(3) Whoever commits a breach of the provisions of this section shall be punishable with fine which may extend to fifty rupees

Explanation—Nothing in this section shall be deemed to apply to cured or preserved meat

Traffic.

138. The cantonment authority shall not permanently close any street or open any new street without the previous sanction of the Officer Commanding the Division

Close up and opening of streets

Rule of the road.

direction

140. No animal shall be ridden or driven, and no vehicle shall be driven, on any street in a rash or negligent manner

Rash riding or driving

141. No animal shall be ridden or driven, and no vehicle shall be driven, on any street at a time or in a manner prohibited by public notice issued by the Cantonment Magistrate or by the District Superintendent of Police.

Riding or driving at time or in manner prohibited

142. No vehicle shall be driven, led or kept standing on any street between nightfall and dawn without a suitable lamp, placed on the right side thereof, unless there is sufficient moonlight to render a lamp unnecessary

Use of lamps on vehicles.

144. No vehicle or animal shall be left on a street without proper control

horse or vehicle drawn by bullock. Leaving vehicle or animal without proper control. Training, breaking in or exercising animal.

145. No animal shall be trained, broken in or led for exercise on any street at a time or place prohibited by public notice issued by the cantonment authority.

The Cantonment Code, 1912

*(Chapter VIII —Control over Sarais, Lincamping grounds, Traffic, etc —
Sections 146 155)*

Obstructing
street

146 No person shall—

- (a) cause any vehicle, with or without an animal harnessed thereto, to remain or stand so as to cause obstruction in any street longer than may be necessary for loading or unloading or for taking up or setting down passengers, or
- (b) leave or fasten any vehicle or animal so as to cause obstruction in any street, or
- (c) expose any article for sale, whether upon a stall or booth or in any other manner, so as to cause obstruction in any street, or
- (d) in any other manner wilfully obstruct or cause obstruction to the free passage of any street

Burial and Burning Grounds

Power to call
for information
regarding burial
and burning
grounds

147. The cantonment authority may, by notice in writing require the owner or keeper of any burial or burning ground to supply such information as may be specified in the notice concerning the condition management or position of such ground

Permission
required for use
of new burial or
burning ground

148 (1) No place not previously used as a burial or burning ground shall, after the commencement of this Code, be so used without the permission in writing of the cantonment authority

inted subject to any conditions
to impose for the purpose of
alth of, persons living in the

Power to re-
quire closing of
burial or burn-
ing ground

149 (1) Where the cantonment authority is of opinion, after making or causing to be made local inquiry, that any burial or burning ground has become offensive to or dangerous to the health of persons living in the neighbourhood, it may, with the previous sanction of the Local Government, by notice in writing, require the owner or keeper of such ground to close the same from a date to be specified in the notice

(3) Where the Local Government sanctions the issue of any such notice as aforesaid, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund or, if the community concerned is willing to provide a new burial or burning ground a grant to be made from the cantonment fund towards the cost of the same

Prohibition of
use of burial or
burning ground
closed under sec-
tion 149

150 No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under section 149, sub section (1), is for the time being in force

Distance be-
tween graves

151. No grave shall be made in any burial ground at a less distance than three feet from the margin of the nearest grave

Depth of
graves.

152 No corpse shall without the permission in writing of the cantonment authority, be buried in any burial ground in a grave of less depth than—

- (a) four feet, where the grave is made of masonry, or
- (b) six feet, where the grave is not made of masonry

Corpses to be
buried or burnt
within six hours
Corpses to be re-
duced to ashes.

153 Every corpse brought to a burial or burning ground shall be buried or burnt as the case may be, within six hours after it has been so brought

154 Every corpse brought to a burning ground shall be completely reduced to ashes

Power to re-
spect of improp-
erly disposed of
corpses

155 Where a corpse has been buried burnt or otherwise disposed of in contravention of any of the provisions of sections 148, 150 151 152 153 and 154, the cantonment authority may if it thinks fit, take such order therewith,

The Cantonment Code, 1912

(Chapter VIII—Control over Sardis, Encamping grounds, Traffic, etc —
Section 156 Chapter IX—Water supply—Sections 157 161)

or with the remains thereof, as shall ensure the proper disposal of the same in accordance with this Code

156. The provisions of sections 147 to 155 shall not apply to any burial ground which is for the time being managed under rules published in the Public Works Department Code

Certain burial grounds excepted from operation of sections 147 to 155

CHAPTER IX

WATER SUPPLY

157. All sources of public water supply (except such as are used for the purposes of water works and are for the time being under the control of the Public or Military Works Department) shall be under the control of the cantonment authority

Control of cantonment authority over sources of public water-supply

158. (1) Where there are no waterworks the cantonment authority shall take all necessary measures for maintaining a supply of pure water for guarding from pollution water which is used for human consumption, and for preventing polluted water from being so used

Duty of cantonment authority to maintain supply of pure water etc

- (a) the drink of human beings or admixture with any article of human consumption,
- (b) the drink of milch animals, or admixture with any article of food or drink for milch animals,
- (c) the washing of vegetables or of cooking utensils,
- (d) any other purpose which is likely to cause its introduction into any article of human consumption

(2) A copy of every notice issued under sub section (1) shall be conspicuously posted near the source of water supply to which the notice relates

160 The cantonment authority may by notice in writing require the owner, or any person having control of any source of public water supply which is used for drinking purposes,—

Power to require proper maintenance or closing to public use of private source of public drinking water-supply

- (a) to keep the same in good order, and to clear it from time to time of silt, refuse or decaying vegetation, or,
- (b) if the water therein is proved to the satisfaction of the cantonment authority to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to, or using, such water

161 (1) Whoever—

- (a) bathes in any source of public water supply which is used for drinking purposes, or
- (b) washes, throws or causes or permits to enter, therein any dog or other animal, or
- (c) washes or cleanses therein any clothes, wool cloth leather, skin utensil or other thing, or

Polluting source of public drinking water-supply

The Cantonment Code, 1912

(Chapter IX—Water supply—Sections 162 169)

(d) throws or allows to flow thereinto any offensive matter or rubbish, or

(e) causes or allows the water of any sink, drain, steam engine or boiler, or any other filthy or polluted water belonging to him or under his control, to flow thereinto, or

(f) does any other act whereby the water thereof is polluted or is likely to be polluted,

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees

(2) For the purposes of this section the cantonment authority may, by public notice, declare what sources of public water supply are used for drinking purposes

(3) A copy of every notice issued under sub section (2) shall be conspicuously posted near the source of water supply to which the notice relates

Impairing quality, or diminishing quantity of water in source of public drinking water—supply or impairing usefulness of water works

162 The cantonment authority may, by public notice, prohibit any act specified in the notice which would, in its opinion,—

(a) impair the quality or diminish the quantity of the water in any source of public water supply which is set apart for public use and is used for drinking purposes, or

(b) injure or impair the usefulness of any of the pipes, locks, cocks or other fittings of water works

Trespass on water works

163. (1) The cantonment authority may, by public notice, prohibit trespasses upon land occupied by water works

(2) A copy of every notice issued under sub section (1) shall be conspicuously posted on the land to which the notice relates

Altering, obstructing or encroaching upon public water-channel

164 (1) No person shall, without the permission in writing of the cantonment authority, alter, obstruct or encroach upon, any public water channel

(2) The cantonment authority may by notice in writing, require any person who has made any such alteration, obstruction or encroachment as aforesaid to remove, or desist from, the same

Power to prohibit polluting of source of public water-supply by sailing, boating or gathering flowers or plants

(2) A copy of every notice issued under sub section (1) shall be conspicuously posted near the source of water supply to which the notice relates

Throwing of corpses into source of public water-supply
Power to prohibit pollution of source of public water supply by carrying on offensive trade

165. No person shall throw a corpse into any source of public water supply

167. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any place in which is carried on any offensive trade or manufacture whereby the water in any source of public water supply is polluted to take steps to abate such pollution

Placing latrine, etc., or depositing offensive matter or rubbish, near source of public water supply

168. No person shall, without the permission in writing of the cantonment authority,—

(a) place any latrine, urinal, cesspool or drain, or

(b) use for the deposit of offensive matter or rubbish any place,

within fifty feet of any source of public water supply

Removal of latrine etc., near any source of public water supply

169. The cantonment authority may, by notice in writing, require any person to remove any latrine, drain or cesspool, or any source of pollution, from the

The Cantonment Code, 1912

(Chapter IV—Water supply—Sections 170 171 Chapter V—Trades, Callings and Occupations—Section 172)

170. Whoever—

(a) bathes, or

(b) washes any animal, or any clothes, wool, cloth, leather, skin, utensil or other thing,

Bathing or washing at public well or spring

by the side of any public well or spring so as to pollute the water thereof, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees

171 (1) The cantonment authority may, by public notice, prohibit—

(a) bathing, or

(b) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or of any class of such things,

Regulation of public bathing and washing

by the public or any class thereof at any public place specified in the notice

(2) The cantonment authority may, by public notice,—

(a) appoint places for—

(i) bathing, or

(ii) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or any class of such things, and

(b) fix the hours at which alone bathing or washing may be carried on at any place so appointed

(3) In any notice issued under sub section (2) separate places may be appointed for bathing and washing respectively and separate places may be appointed for bathing by men and women, respectively

(4) A copy of every such notice as aforesaid shall be conspicuously posted on or near the place or places to which the notice relates

Explanation—In this section, the expression ‘washing an animal’ includes driving or throwing an animal or permitting it to go into water

CHAPTER V

TRADES, CALLINGS AND OCCUPATIONS

172 No person of any of the following classes, namely —

(a) butchers, and sellers of poultry, game or fish,

(b) persons keeping pigs for profit and dealers in the flesh of pigs which have been slaughtered in India,

(c) persons keeping milch cattle or milch goats for profit,

(d) persons keeping for profit any animals other than pigs, milch cattle or milch goats;

(e) dairymen and buttermen and makers or sellers of ghi;

(f) makers of bread, biscuits or cake, and sellers of bread, biscuits or cake made in India,

(g) sellers of fruit or vegetables,

(h) manufacturers of aerated or other potable waters, or ice, and sellers of the same,

(i) sellers of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters, or ice) which are of a perishable nature,

Licenses required for carrying on of certain occupations.

*The Cantonment Code, 1912**(Chapter X—Trades, Callings and Occupations—Section 173)*

- (k) sellers of water to be used for drinking purposes;
- (l) washermen;
- (m) dealers in hay, straw, wood, charcoal or other inflammable material,
- (n) dealers in fireworks, kerosine oil, petroleum or any other inflammable oil or spirit,
- (o) tanners and dyers,
- (p) persons carrying on any trade or occupation from which offensive or unwholesome smells arise,
- (q) sellers of wheat, rice and other grains or flour used as human food,
- (r) makers or sellers of sugar or sweetmeats, and
- (s) hawkers and pedlars,

shall carry on his trade, calling or occupation in any part of the cantonment unless he has applied for, and obtained a license renewable annually from, the cantonment authority

Provided, first, that a license shall not be withheld if the applicant is willing to comply with such conditions as the cantonment authority may think fit to impose under section 173

Prov
Cantonm
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obligatio
him a li
reason of such refusal

Provided thirdly, that in cantonments to which the Indian Petroleum Act 1899 (VIII of 1899) extends no person shall be required to obtain a license for the sale or storage of petroleum in any case in which a license is required by the said Act to be taken out, save in accordance with the provisions of the said Act, and of the rules framed thereunder

Conditions
which may be
entered in su h
licenses

173 A license granted to any person under section 172 shall specify the
or
the
and
to

- (a) in the case of butchers, and sellers of poultry, game or fish,—
 - (i) the apparatus and coverings to be used in the operations of their trade,
 - (ii) the places at which, and the manner in which, meat, poultry, game or fish may be exposed for sale, and
 - (iii) the disposal of meat, poultry, game or fish when found to be unfit for human consumption

(b)

and

(c)

place,

- (iii) the sources from which such animals shall be watered,
- (iv) the segregation of any sick or diseased animals, and

The Cantonment Code, 1912.

(Chapter X—Trades, Callings and Occupations—Section 173)

- (v) the taking of any other measures which the cantonment authority may think necessary for maintaining the premises in a clean and sanitary state
- (d) in the case of persons keeping for profit any animals other than pig* milch cattle or milch goats,—
 - (i) the places at which such animals may be kept,
 - (ii) the number of such animals which may be kept at any one place, and
 - (iii) the manner of keeping the animals so as to prevent their becoming a public nuisance or injurious to the public health
- (e) in the case of dairymen, buttermen and sellers of ghl,—
 - (i) the vessels and other apparatus to be used in the operations of their trade,
 - (ii) the places at which and the manner in which milk or butter may be prepared and kept for sale, and
 - (iii) the taking of any other measures which the cantonment authority may consider necessary for keeping the premises and all vessels and apparatus in a clean and sanitary state
- (f) in the case of makers of bread, biscuits, cake or sweetmeats and sellers of bread, biscuits or cake or sweetmeats made in India,—
 - (i) the apparatus and the water, flour and other ingredients which may be used in the operations of their trade,
 - (ii) the places at which bread, biscuits, cake or sweetmeats may be prepared and kept for sale,
 - (iii) the inspection to be exercised over the making of such articles, and
 - (iv) the disposal of any such articles which may be found to be unwholesome
- (g) in the case of sellers of fruit or vegetables,—
 - (i) the places and seasons at which fruit or vegetables, or any specified kinds of fruit or vegetables, may be sold, and
 - (ii) the disposal of any fruit or vegetables which may be found to be unwholesome, or of which the sale has been prohibited under clause (g), sub clause (i)
- (h) in the case of manufacturers of aerated or other potable waters, or ice, and sellers of the same,—
 - (i) the sources from which water used in such manufacture shall be taken,
 - (ii) the machinery, chemicals and ingredients which may be used in such manufacture;
 - (iii) the measures to be taken in order to ensure the proper filtering of the water used and the cleanliness of all apparatus and receptacles used; and
 - (iv) the attachment of labels or the adoption of other means for the purpose of identifying the factory at which each article was made :
- (i) in the case of sellers of any medicines, drugs or articles of food or milk, other dis

The Cantonment Code, 1912

(Chapter X—Trades, Callings and Occupations—Section 174)

(k) in the case of sellers of water to be used for drinking purposes,—

- (i) the sources from which such water shall be taken, and
- (ii) the taking of measures to ensure the cleanliness of mussuks or any other vessels or utensils used for carrying such water

(l) in the case of washermen, the places at which clothes may be washed, dried or kept

(m) in the case of dealers in hay, straw, wood, charcoal or other inflammable material,—

- (i) the places at which such materials may be kept,
 - (ii) the quantity which may be stored at any one place, and the manner of storing, and
 - (iii) the precautions against fire to be taken by the dealer or the person in charge of the business.
- (n) in the case of dealers in fireworks, petroleum (in cases in which a license is required under this Code), kerosine oil or any other inflammable oil or spirit,—
- (i) the places at which, and the quantities in which, any such article may be stored or kept for sale, and
 - (ii) the taking of any measures which the cantonment authority may consider necessary for the prevention of danger to life or property

(o) in the case of tanners and dyers, the taking of measures for regulating the discharge of refuse matter from their premises and for abating any nuisance arising from such premises and

(p) in the case of persons carrying on any trade or occupation from which offensive or unwholesome smells arise, the taking of any measures which the cantonment authority may consider necessary for the abatement of any nuisance arising from the premises

Explanation—For the purposes of clause (a), sub clause (iii), meat which has been subjected to the process of blowing, shall be presumed to be unfit for human consumption

174. The cantonment authority may, by bye laws,—

(a) render licenses necessary for the proprietors or drivers of vehicles, boats or animals kept or plying for hire within the cantonment, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked, and

(b) limit the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads

hours

Bye-laws made by the cantonment authority

ay) is in force, shall be made after the 1st day of 1919

Provided, secondly, that in no cantonment in which a cantonment committee has been constituted shall any bye laws be made except at a meeting of which at least six clear days' notice shall have been given.

Power of cantonment authority to make bye-laws as to vehicles etc

[C/ Pun Act III of 1911, 189 (a) and (b).]

The Cantonment Code, 1912

(Chapter X—Trades, Callings and Occupations—Sections 175-181 Chapter XI—Prevention and Treatment of Disease—Section 182)

175. No person holding a license under section 172 for keeping for profit milch cattle or milch goats, or pigs or any other animal which may be used for human consumption, shall allow the same— Feeding animals on filth, etc

(a) to be fed upon refuse or any filthy or deleterious substance, or

(b) to graze in any place in which grazing has for sanitary reasons been prohibited by public notice issued by the cantonment authority

176. No dairyman holding a license under section 172 shall mix water with, or otherwise adulterate, any milk intended for sale Adulteration of milk.

177. No butterman holding a license under section 172 shall adulterate any butter intended for sale Adulteration of butter.

178. No person holding a license under section 172 shall sell any article of food or drink for human consumption which is unfit for that purpose Selling food or drink unfit for human consumption

179. (1) The cantonment authority may, by notice in writing, prohibit— Power to remove brothels and prostetues.

(a) the keeping of a brothel, or

(b) the residence of a public prostitute, in the cantonment or any specified part thereof

180. No public prostitute shall be permitted to reside within the limits of any regimental bazar situate in the cantonment Exclusion of public prostitutes from regimental bazars.

181. (1) Where any person holding a license under section 172, or sec Power to sue and sue with.

same

(2) No person who has obtained a license under this Chapter for carrying on a trade, calling or occupation in any part of the cantonment, shall carry on such trade, calling or occupation in that part while such license is suspended or after the same has been withdrawn

CHAPTER XI

PREVENTION AND TREATMENT OF DISEASE.

Infectious or Contagious Disorders

182. Whoever,—

(a) be, Information to be given of infectious diseases.

(Chapter XI—Prevention and Treatment of Disease—Sections 183 186)

- (b) in default of such medical practitioner, being the owner or occupier of such dwelling and being cognizant of the existence of any infectious or contagious disorder therein, or,
- (c) in default of such owner or occupier, being the person in charge of, or in attendance on, any person suffering from any infectious or contagious disorder in such dwelling and being cognizant of the existence of the disorder therein,

fails to give information or gives false information to the cantonment authority respecting the existence of such disorder, shall be punishable with fine which may extend to fifty rupees

Provided that a person not required by this section to give information in the first instance, but only in default of some other person, shall not be punishable if it is shown that he had reasonable cause to suppose that the information had been, or would be, duly given

Provided, also, that this section shall not apply to venereal disease where the person suffering therefrom is under specific and adequate medical treatment, and, by reason of habits, conditions of life and residence, is unlikely to spread the disease

Explanation—In this section, the expression infectious or contagious disorder includes venereal disease

Special measures on outbreak of infectious or contagious disorder among inhabitants or epidemic disease among cattle

183. (1) In the event of the cantonment being at any time visited or threatened by the inhabitants goats therein, tions of this C purpose, may,

- (a) take such special measures, and,
- (b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he thinks necessary to prevent the outbreak of the disorder or disease or the spread thereof

(2) Whoever commits a breach of any temporary regulation prescribed under sub section (1), shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code

XLV of 1900

Power to require names of dairyman's customers

184. Where it is certified to the Cantonment Magistrate by a medical

Power to require names of washerman's customers

Report after inspection of dairy or washerman's place of business,

185. Where, after inspection, the Sanitary Officer is of opinion that any he con- f soiled d by a

*The Cantonment Code, 1918**(Chapter XI—Prevention and Treatment of Disease—Sections 187 192)*

187. Upon receipt of a report submitted under section 186, the Cantonment Magistrate may, by notice in writing,—

Action on
report sub-
mitted under
section 186

- (a) prohibit the person in charge of the dairy from supplying milk therefrom until the notice has been withdrawn, or, as the case may be,
- (b) prohibit the washerman from washing soiled clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner or washes by such process as the Cantonment Magistrate may direct in the notice

188. The Cantonment Magistrate may, by notice in writing,—

189. Whoever—

Contamination
of public con-
veyances

- (a) enters a public conveyance while suffering from an infectious or contagious disorder which would be likely to be communicated to other persons using the conveyance, or
- (b) uses a public conveyance for the carriage of a person who is suffering from any such disorder, or
- (c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disorder,

shall be bound to notify the fact to the driver and to report to the Cantonment Magistrate the number of the conveyance and the name of the driver

that has not already been done

Provided that, where in the opinion of the Cantonment Magistrate, the owner or occupier is, from poverty or any other cause, unable effectually to carry out any such requisition, the Cantonment Magistrate may, at the expense of the cantonment fund, cleanse or disinfect the building or part, or any articles therein likely to retain infection, or renew the said flooring

Provided that the cantonment authority shall pay to the owner such sum as may in the circumstances appear to it to be equitable for any loss incurred by reason of the destruction of such hut, shed or materials.

The Cantonment Code, 1912

[Chapter XI—Prevention and Treatment of Disease—Sections 193-200]

Temporary shelter while building is being defeated or when infected but is destroyed

193. The cantonment authority shall provide free of charge temporary the members of any family in which an is appeared, who have been compelled to any proceedings taken under section 191 or or accommodation as aforesaid to be pro-

Disinfection of
building and
articles therein
before letting
the building

194. Whoever lets a building or part of a building in which any person
om an in
part, dis
public or
retain in
fection.

Explanation—For the purposes of this section, the keeper of a sarai shall be deemed to let part of a building to any person who is admitted as a guest into the sarai.

Disposal of
infected article
with it
disinfection

195. No person shall without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he has reason to know has been exposed to contamination by any infectious or contagious disorder.

Dissposal of
infectious
matter

196 The cantonment authority shall by public notice prescribe the manner in which infectious excreta and other matter is to be dealt with or disposed of

Making or
selling of food
etc., or washing
of clothes by
infected person

197 Whoever, while suffering from an infectious or contagious disorder—
 (a) makes or offers for sale any article of food or drink for human consumption, or any medicine or drug, or
 (b) takes any part in the business of washing or carrying soiled clothes,
 shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees

1-- 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 10

Power to restrict or prohibit sale of specified articles of food or drink on outbreak of infectious or contagious disorder

1-2 " ' by an outbreak of any
rity may, on the advice

Disposal of infected corpse

200. Where any person has died from any infectious or contagious disorder, the Cantonment Magistrate may, by notice in writing,—

(a) require any person having charge of the corpse—

[illegible]

(ii) to convey the same to a mortuary, thereafter to be disposed of in accordance with law, or

(b) prohibit the removal of the corpse from the place where death occurred, except for the purpose of being buried, burnt or otherwise disposed of as aforesaid or of being conveyed to a mortuary

The Cantonment Code, 1912

(Chapter XI—Prevention and Treatment of Disease—Sections 201-203)

Hospitals and Dispensaries

201. (1) So far as the funds at its disposal permit, the cantonment authority may—

(a) provide and maintain, either within or without the cantonment, as many hospitals or dispensaries as may be necessary, or

(b) make, upon such terms as it thinks fit to impose, a grant in aid to any hospital or dispensary, whether within or without the cantonment not maintained by it

(2) Every hospital or dispensary maintained or aided under sub section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disorders

Explanation—In this section, the expression “infectious or contagious disorder” includes venereal disease

202. A Medical Officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under section 201

203. Subject to the control over the cantonment fund which is vested in the Local Government by section 21 of the Cantonments Act, 1910, there shall be appointed, for every hospital or dispensary maintained or aided under section 201, such subordinate establishment as may be necessary

204. So far as the funds at its disposal permit, the cantonment authority shall cause every hospital or dispensary maintained or aided under section 201, to be provided with—

(a) all requisite drugs, instruments, apparatus, furniture and appliances,

(b) sufficient cots, bedding and clothing for in patients, and

(c) such further requisites as may be necessary

205. Every hospital or dispensary maintained or aided under section 201

Provided that the subsistence allowance granted as aforesaid shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment-debtors by the Local Government under section 57 of the Code of Civil Procedure, 1908

Explanation—In this section, the expression “infectious or contagious disorder” includes venereal disease.

206. If the Medical Officer in charge of a hospital or dispensary maintained or aided under section 201 has *prima facie* grounds for believing that any person living in the cantonment is suffering from an infectious or contagious disorder, he may, by notice in writing in the form set forth in Schedule III or in any similar form, call upon such person to attend at the hospital or dispensary at a time to be specified in the notice and not to quit it without the permission of the Medical Officer in charge, unless and until such Medical Officer is satisfied, by examination (if necessary), that such person is not in fact suffering, or is no longer suffering, from such disorder :

The Cantonment Code, 1912

(Chapter XI—*Prevention and Treatment of Disease*—Sections 209-212 Chapter XII—*Suppression of Mendicancy and Loitering and Removal of Disorderly Persons*—Section 213)

Provided that, if, having regard to the nature of the disorder, or the condition of the person suffering therefrom or the general environment and circumstances of such person, the Medical Officer considers the attendance of such person at the hospital or dispensary inexpedient he may dispense with such attendance and take such measures or give such directions as he may think fit and proper

Explanation—In this section, the expression 'infectious or contagious disorder' includes venereal disease

209 (1) If the Medical Officer in charge of hospital or dispensary maintains, Officer of vided by pensary, has quitte

Power to exclude from cantonment persons refusing to attend at or remain in hospital or dispensary

British India, without the written permission of the Commanding Officer in that cantonment

210 No spirituous or fermented liquor or intoxicating drug or preparation shall be introduced into a hospital or dispensary maintained or aided under section 201 without the permission of the Medical Officer in charge

211 (1) No land in the cantonment shall be selected for use as a hospital or segregation camp without giving the Cantonment Magistrate and the Sanitary Officer an opportunity of stating their opinions upon the proposed selection

(2) Where any land in the cantonment is used as aforesaid, it shall be ploughed up as soon as practicable after it has ceased to be so used

Pilgrims

212 (1) The cantonment authority may provide or prescribe suitable routes for the use of persons passing through the cantonment—

(a) on their way to or from fairs or places of pilgrimage or other places of public resort, or

(b) during times when an infectious or contagious disorder is prevalent, and may, by public notice, require such persons as aforesaid to use such routes and no others

(2) All routes provided or prescribed under sub section (1) shall be clearly and sufficiently indicated by the cantonment authority

CHAPTER XII

SUPPRESSION OF MENDICANCY AND LOITERING AND REMOVAL OF DISORDERLY PERSONS

Mendicancy

213 No mendicant shall, in any street or public place in the cantonment loiter or beg for alms

Routes for pilgrims and others

Introducing liquor or drug into hospital or dispensary

Temporary hospitals and segregation camps in cantonments

Mendicancy

The Cantonment Code, 1912

(Chapter XII—Suppression of Mendicancy and Loitering and Removal of Disorderly Persons—Sections 214, 215)

Loitering and Importuning

14.

Loitering or
importuning
for sexual
immorality

Removal of Disorderly Persons

215. (1) The Cantonment Magistrate may, on receiving information that any person, whether resident in or frequenting the cantonment,—

Removal and
exclusion from
cantonment of
disorderly
persons etc

(a) is a disorderly person who has been convicted more than once of gambling, or who keeps or frequents a common gaming house, a disorderly drinking shop, or a disorderly house of any other description, or

(*) Every summons issued under sub section (1) shall be accompanied by a copy of such order as aforesaid and the copy shall be delivered by the officer serving the summons to the persons served with the same

(3) The Cantonment Magistrate shall when the person so summoned

216 (1) The Commanding Officer of the cantonment, if he thinks it ex

General power
of command and
control

Provided that no such order as aforesaid shall be made—

(a) where the only reason for making it is that the person—
(i) is disorderly, or

The Cantonment Code, 1912

(Chapter VII—The Suppression of Mendicancy and Loitering and Removal of Disorderly Persons—Section 217 Chapter XIII—Care of Animals—Sections 218 221)

(u) has been convicted of an offence punishable under Chapter XVII of the Indian Penal Code or section 156 of the Army Act, or XLV of 1900
41 & 45 Vict
c 58.

(iii) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898, to execute a bond for his good behaviour, V of 1899

(b) unless the Commanding Officer of the cantonment thinks that the presence of the person in the cantonment is dangerous to good order or military discipline

fr
st
L
fr

(3) Where an order is made under sub section (1) without the previous sanction of the cantonment division or the together with

Harbouring or 217 Whoever, knowing that any person has, under sections 209 215 or concealing son in the which may

CHAPTER XIII

CARE OF ANIMALS

Prevention of Cruelty

Cruelty to animals.

218 Whoever ill uses, tortures or cruelly beats any animal in the cantonment shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees

Extension of the Prevention of Cruelty to Animals Act, 1890 to cantonments.

219 (1) Unless the Officer Commanding the Division concurs with the cantonment authority in thinking that there is some special reason to the contrary, the cantonment authority shall apply to the Local Government to extend the Prevention of Cruelty to Animals Act 1890, to the cantonment XI of 1890

ity
place
said
Cattle trespass Act, 1871

I of 1871

(3) Where the Prevention of Cruelty to Animals Act, 1890, has been extended to any cantonment, the provisions of section 218 of this Code shall cease to have effect therein XI of 1890.

Grazing

Animals grazing to be kept under proper care and control
Imposition of animal grazing without being under proper care or control.

220 Every owner, or the person in charge, of an animal grazing on any land belonging to the Government in the cantonment shall be bound to keep it under proper care and control

221 (1) Where any animal is found grazing on land belonging to the Government in the cantonment without being under proper care or control, it may be seized by any servant of the cantonment authority and sent within twenty four hours to the nearest pound established under section 4 of the Cattle trespass Act, 1871

I of 1871.

The Cantonment Code, 1912

(Chapter XIII—Care of Animals—Section 222 Chapter XIV—Prevention of Fire—Sections 223-225 Chapter XV—Registration of Births and Deaths—Section 226)

(2) Every animal so sent to the pound shall be dealt with as if it had been impounded under the provisions of the said Act, and the provisions of the said Act shall apply thereto

(3) Every member of the police force employed in the cantonment shall when required, aid in preventing resistance to any such seizure as aforesaid and rescues from persons making such seizures

222. (1) Whoever takes delivery of any animal impounded from the pound keeper (if any) appointed under section 6 of the Cattle trespass Act, 1871, shall inform the pound keeper of the name of the owner of the animal and the name of the person who had charge of the same at the time of its seizure

Person taking delivery of animal from pound to state names of owner and person who had charge of the animal at time of seizure

(2) Whoever refuses to give the pound keeper the information required by this rule, or wilfully gives him false information, shall be punishable with fine which may extend to fifty rupees

CHAPTER XIV

PREVENTION OF FIRE

223. (1) Whoever—

Stacking or collecting inflammable materials or building matted structures in cantonment

(a) stack or collect dry grass, straw or any other highly inflammable material, or

(b) build a matted structure or a cooking place

(2) The cantonment authority may, by notice in writing require any person who has stacked or collected any grass, straw or other highly inflammable material, or has built a matted structure or a cooking place, in contravention of the provisions of sub section (1), to remove such stack, collection or structure as aforesaid within a time to be specified in the notice

bonfire, without permission.

224. No person shall set a naked light on or near any building in any street or public place in the cantonment in such manner as to cause danger of fire.

Setting naked light on or near building

Provided that this prohibition shall not extend to the use of lights, with the permission in writing of the cantonment authority, for purposes of illumination on the occasion of a festival or public or private entertainment.

CHAPTER XV.

REGISTRATION OF BIRTHS AND DEATHS

225. (1) The Cantonment Magistrate shall maintain registers, in such forms as may be prescribed by the Local Government, of all births and deaths occurring in the cantonment

Registers of births and deaths to be maintained.

(2) No charge shall be made for the registration of any birth or death under this Chapter.

The Cantonment Code, 1912

(Chapter XV—Registration of Births and Deaths—Sections 227-230 Chapter XVI—Appointment of Agents by Absentee Owners—Sections 231-232)

Duty of head of house or family to report birth therein

227. The head for the time being of every house or family in which any birth occurs, shall, within eight days after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely:—

- (a) the date of the birth, and the sex and name (if any), of the child,
- (b) the name, place of residence and occupation, and the caste or religion (if any), of the father, if the person making the report is willing to furnish these particulars, and
- (c) the name and place of residence of the person making the report

Duty of head of house or family to report death therein

228. The head for the time being of every house or family in which any death occurs, shall, within twenty four hours after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely:—

- (a) the date of the death the sex, name, age and occupation, and the caste or religion (if any) of the deceased, the cause of death, and the place of residence of the deceased at the time of death,
- (b) the name of the father, or if the deceased was a married woman the name of her husband, if the person making the report is willing to furnish these particulars, and
- (c) the name and place of residence of the person making the report

Duty of Medical Officer to report births and deaths

229. It shall be the duty of every Medical Officer of the Government to report to the Cantonment Magistrate, as soon as practicable after the event, every birth and death occurring in the cantonment of which he may become cognizant in the exercise of his profession

Penalty

230. Whoever fails to comply with the provisions of section 227 or section 228, shall be punishable with fine which may extend to five rupees

CHAPTER XVI

APPOINTMENT OF AGENTS BY ABSENTEE OWNERS

Duty of absentee

231. (1) Whoever being the owner of any building or land in the cantonment shall, at some person residing in or near the cantonment, for the purposes of the Cantonments Act, such appointment to the Cantonment XV of 1910,

(2) When an agent or trustee appointed under sub-section (1) of section 231, shall be absent from the cantonment for a period exceeding three months, he shall, before his departure, appoint another person to act as agent or trustee in his stead, and shall file a statement of the names and addresses of the persons so appointed, with the Cantonment Magistrate.

Relief to agents and trustees.

232. (1) Where an agent or trustee appointed under sub-section (1) of section 231, shall be absent from the cantonment for a period exceeding three months, he shall, before his departure, appoint another person to act as agent or trustee in his stead, and shall file a statement of the names and addresses of the persons so appointed, with the Cantonment Magistrate.

(2) The burden of proof of the facts entitling an agent or trustee to relief under sub-section (1) shall lie on him

(3) Where any agent or trustee has claimed and established his right to

The Cantonment Code, 1919

(Chapter XVII.—Inspection, Entry, Search and Arrest—Sections 233-255)

CHAPTER XVII

INSPECTION, ENTRY, SEARCH AND ARREST

Inspection, Entry and Search

233. The Officer Commanding the Division, the Officer Commanding the Brigade or the District Magistrate may enter into or on, and inspect, any building or land, if it appears to him to be necessary to do so in order to the exercise of any power conferred upon him by this Code

Entry and
Inspection by
the Officer
Commanding
the Division,
the Officer
Commanding
the Brigade or
the District
Magistrate

234. The cantonment authority, by itself or by any person generally or specially authorized by it in this behalf, may—

Entry and
Inspection by,
or by the
authority of
the cantonment
authority

(a) enter into, or on, any building or land for the purpose of—

- (i) removing any buildings or materials, or altering any building, in pursuance of a notice issued by the cantonment authority in accordance with the conditions of a lease executed under section 264, or
- (ii) resuming any land in pursuance of a notice issued by the Local Government in accordance with the conditions of a lease executed as aforesaid, or
- (iii) performing any act authorized by any of the provisions of sections 96, 97 and 290, sub section (i) or
- (iv) making any inspection authorized by the provisions of section 83, sub section (i), or

(b) enter into and inspect any place which is or may recently have been, used as a burial or burning ground if it appears to the cantonment authority to be desirable to do so in order to the carrying out of any of the provisions of this Code, or

(c) enter into, or on and inspect any building or land in or on with respect to, which the cantonment authority has reason to believe—

- (i) that a breach of any of the provisions of this Code has been committed, or
- (ii) that any notice issued under this Code has not been duly complied with, or
- (iii) that any conditions imposed under this Code have not been duly observed, or
- (iv) that any notice should be issued under this Code, or
- (v) that any conditions should be imposed under the provisions of section 112, sub section (a), section 143, sub section (2), or section 173

235. The Sanitary Officer, by himself or by any Medical Officer of the Government specially deputed by him by an order in writing in this behalf, may—

Entry
Inspection and
Search by,
or by the
sanitary officer,
the sanitary
officer

(a) enter into or on any building or land for the purpose of inspecting any receptacles or places provided under section 75 for the temporary deposit of offensive matter and rubbish, or

(b) enter into, and inspect, any dairy, or any place at which a washerman washes or keeps clothes or other articles in the course of his business, if it appears to the Sanitary Officer to be necessary to do so in order to the prevention of the spread of any infections or contagious disorder, or

(c) enter into or on and inspect any building or land in or on which the Sanitary Officer has reason to believe that there is or has recently

The Cantonment Code, 1912

(Chapter XVII — Inspection, Entry, Search and Arrest — Section 236)

been, any person suffering, or the corpse of any person who has died, from any infectious or contagious disorder, and search for infected persons, corpses or articles therein or thereon, or

(d) enter into or on any building or land with respect to which the Sanitary Officer has reason to believe—

(e) enter into or on, and inspect, any building or land in, on or with respect to which the Sanitary Officer has reason to believe—

(i) that any such nuisance as is described in section 67, clause (d), clause (e), clause (o) or clause (p), has been committed, or

(ii) that a breach of any of the provisions of sections 108, 126, 132, 150 to 154, 161, 175 to 178 and 197 has been committed, or

(iii) that any notice issued under section 191, section 196 or section 198 has not been duly complied with, or

(iv) that any conditions imposed under section 148, sub section (2), or section 173, and affecting sanitation or hygiene, have not been duly observed, or

(v) that the cantonment authority should be moved to issue a notice under sections 77, 81, 82, 84 85 86 102, 104, 105 159 160 162, 165, 167, 169 192 or 199, or to take any action under section 83, sub section (1), or

(f) enter into and inspect any private slaughter house, or any structure therein for the purpose of assisting the Cantonment Magistrate in determining whether a license should be issued under section 129, or

(g) enter on and inspect any land which it is proposed to use as a burial or burning ground, for the purpose of ascertaining whether any such permission as is referred to in section 140, sub section (1) should be given, or

(h) en

(i) enter into or on any building or land with respect to which the Sanitary Officer has reason to believe—

124, and search for such animal or flesh, or

(j) enter into or on and inspect, any building or land, for the purpose of—

(i) ascertaining whether the Officer Commanding the Division should be moved to take any action under section 183, sub section (1), or

(ii) advising the cantonment authority whether any, and if so, what, directions should be issued under section 92, sub section (1), clause (b), clause (c) or clause (d), or

(k) enter into or on and inspect, any building or land with respect to which the Sanitary Officer has reason to believe that the cantonment authority should be moved to issue a notice under section 79 section 85, section 86 or section 93

236 The Cantonment Magistrate, by himself or by any person generally or specially authorized by him in this behalf, may—

(a) enter into or on, and inspect, any building or land for the purpose of—

(i) inquiring into occupation, ownership agency, rights or any other matter required to be entered in any of the registers maintained under sections 271, 272 and 273, or

The Cantonment Code, 1912

(Chapter XVII — Inspection, Entry, Search and Arrest — Sections 237 242)

- (ii) performing the duties imposed on the Cantonment Magistrate by section 17, sub section (2), section 69, section 72 or section 78, clause (b), sub clause (i), or
- (iii) determining whether a license should be issued under section 117 or section 129, or
- (iv) ascertaining whether a notice should be issued under section 187 or section 191, or
- (v) cleansing or disinfecting a building or any articles therein, or renewing flooring in pursuance of the proviso to section 191, or

(b) enter into and inspect any building or any article therein in the performance of the duty imposed upon him by section 115

(c) enter into and inspect any building or any article therein in the performance of the duty imposed upon him by section 115

(d) enter into or on and inspect any building or land in or on which the Cantonment Magistrate has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 137 and search for such animal or flesh, or

(e) enter any building in order to enforce its surrender in pursuance of the conditions of a lease excepted under section 264

237. The Cantonment Magistrate or the Sanitary Officer may enter into any market or any structure therein and inspect the same or any article therein in the performance of the duty imposed upon him by section 115

Entry into and inspection of markets by Sanitary Officer or Cantonment Magistrate

238. Where the cantonment authority has under section 80 sub section (1), provided for the performance by its agents of the duties usually per-

Entry by public or servancy establishments

239 (1) Every entry made under any of the foregoing sections 233 to 237 shall be made between sunrise and sunset

Provided that if in any such case the authority empowered by any of the foregoing sections shall be satisfied that it is necessary in the interests of public health or safety to make such entry at any time, the authority may do so.

(2) Any entry made under section 238 may be made at any reasonable time.

240 When any building used as a human dwelling is entered under this Chapter due regard shall be paid to the social and religious sentiments of the occupiers and no apartment in the actual occupancy of a woman shall be entered under this Chapter until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing

Precautions to be observed in entering dwelling

241 Every entry and inspection made under section 234 clause (2) shall be made under such arrangements as shall ensure due regard for the religious feelings of the community concerned

Precautions to be observed in entering and inspecting burial or burial grounds

Arrest without Warrant

242 Any member of the police force employed in the cantonment may, without a warrant arrest any person committing in his view a breach of any of the provisions of this Code specified in the first column of Schedule II

Arrest by police without warrant

The Cantonment Code, 1912

(Chapter XVIII—Service of Summonses, Notices, etc.—Sections 243 244
Chapter XIX—Appeal and Revision—Section 245)

Provided, first, that in the case of the breach of any such provision as is specified in Part B of the said schedule, no person shall be so arrested whose name and address are known to either the complainant or the arresting officer

Provided, secondly, that no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer

Provided, thirdly, that no person so arrested shall be detained after his name and address have been ascertained

Provided, fourthly, that no person so arrested shall, except under the order of a Magistrate, be detained longer than may be necessary for bringing him before a Magistrate and

Provided, fifthly, that no person shall be so arrested for a breach of the provisions of section 214, except—

(a) at the request of the person importuned or of an officer, as defined in the Cantonments Act, 1910, in whose presence the breach was committed, or

(b) by

CHAPTER XVIII

SERVICE OF SUMMONSES, NOTICES, ETC

Service of
summonses
notices
requisitions
and other
documents

(2) Where the usual place of abode or business of the person to whom the summons, notice, requisition or document is addressed, is not in the cantonment it may be served by posting it in a registered cover addressed to his usual place of abode or business

(3) Where the usual place of abode or business of the owner of any property is not known, any such summons, notice, requisition or document addressed to him as such owner may be served on the occupier

(4) Where the usual place of abode or business of the occupier of any property is not known, any such summons, notice, requisition or document addressed to him as such occupier may be served by affixing it on some conspicuous part of the property

244. The service of a summons, notice, requisition or other document as aforesaid on any agent appointed by an absentee owner shall be deemed to be service on the owner.

Service on
agent of
absentee
owner

CHAPTER XIX

APPEAL AND REVISION

Appeals from
executive
orders when
allowed and to
whom to lie

245 (1) Any person aggrieved by any of the executive orders described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column of the said schedule

The Cantonment Code, 1918

*(Chapter VII —Appeal and Revision —Sections 246 249 Chapter XX —
Committees of Arbitration —Section 250)*

(2) No such appeal shall be admitted unless made within the period specified in that behalf in the fourth column of the said schedule

(3) The period specified as aforesaid as the time allowed for making an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1908 with respect to the computation of the period of limitation thereunder

246 (1) Every appeal under this Code shall be made by petition in writing accompanied by a copy of the order appealed against Petition of appeal

(3) Where any such petition as aforesaid is presented direct to the appellate authority and an immediate order thereon is not necessary, the appellate authority may refer the petition for report to the authority which made the order appealed against

247 On the admission of an appeal from an order other than an order contained in a notice issued under— Suspension of act on pending appeal

- (a) Section 78 clause (e)
- (b) Section 85,
- (c) Section 96
- (d) Section 203 sub section (1)
- (e) Section 215 sub section (3) or
- (f) Section 216

all proceedings to enforce the order and all prosecutions for any breach thereof shall be held in abeyance pending the decision of the appeal and if the order is set aside on appeal disobedience thereto shall not be deemed to be an offence

Revision

for a review of that decision

249 Save as otherwise provided in section 248 the order of the appellate authority confirming setting aside or modifying an order appealed against shall be final Finality of appellate orders

Provided that no order shall be confirmed set aside or modified on appeal unless and until the appellant has had a reasonable opportunity of being heard

CHAPTER XX

COMMITTEES OF ARBITRATION

250 In Schedule mandating committee of arbitration—

- (a) to determine the amount of monthly rent to be paid or
- (b) to determine whether any and if so what repairs are necessary and the extent to which they are necessary

to the committee of arbitration to decide questions as to rent or repairs.

(Chapter XX—Committees of Arbitration—Sections 251-255)

Discretion of
Commanding
Officer of
cantonment
to convene a
committee of
arbitration to
decide question
as to condition
of house or
as to rent or
repairs

251. (1) On an application being made to him under Condition XX or Condition XXI set forth in a lease executed under section 254 in Forms B or D in Schedule VI, the Commanding Officer of the cantonment may, after such inquiry as he may think fit to make, proceed to convene a committee of arbitration—

- (a) to determine whether the house has become unfit for occupation, or
- (b) to determine the amount of monthly rent to be paid, or
- (c) to determine whether any, and, if so, what, repairs are necessary, and the extent to which they are necessary, or
- (d) otherwise to determine the question in dispute

and in him by this section, the Commanding Officer may refuse to convene a committee of arbitration therefor is groundless or

Obligation of
Commanding
Officer of
cantonment to
convene a
committee of
arbitration to
determine
amount of
compensation
payable

convene a committee of arbitration to determine the amount payable

Procedure for
convening
committee of
arbitration

252 (1) Where a committee of arbitration is to be convened, the Commanding Officer of the cantonment shall cause an order to be published in Station Orders, stating the matter to be determined by the committee of arbitration

of the order published
the parties concerned,
and nominate members of

Composition of
committees of
arbitration
convened under
section 250 or
251

254 Every committee of arbitration convened under section 250 or 251 shall consist of—

- (a) the District Magistrate or, if it is inconvenient for him to act, some Magistrate, being a justice of the peace, appointed by him to act in his stead,
- (b) a member to be nominated by the officer concerned, and
- (c) a member to be nominated by the lessee

appoint a member in the place of such nominee

Composition of
committees of
arbitration
convened under
section 252

255. Every committee of arbitration convened under section 252 shall consist of—

- (a) the District Magistrate or if it is inconvenient for him to act, some Magistrate, being a justice of the peace, appointed by him to act in his stead,
- (b) a member to be nominated by the person or persons concerned, and
- (c) a member to be nominated by the cantonment authority

Provided that, if such person or persons concerned as aforesaid fails or fail to nominate a member within seven clear days from the date on which he or they is or are called upon to do so, or if any member who has been nomin

The Cantonment Code, 1912

(Chapter XX—Committees of Arbitration—Sections 256-260 Chapter XXV
—Applications for Building sites on Government Land in Cantonments—
Sections 261-262)

member in the place of such nominee

257. When a committee of arbitration has been duly constituted, the Cantonment Magistrate shall, by notice in writing, inform each of the members of the fact, and the committee of arbitration shall assemble within seven clear days from the service of the notice

258. The District Magistrate or the Magistrate appointed by him to act in his stead shall be the chairman of every committee of arbitration

committee of arbitration may and to be customarily paid for the time being in the neighbourhood by tenants

260. (1) The decision of every committee of arbitration shall be determined by the majority of the votes taken at a meeting at which all the members are present.

(2) The decision of every committee of arbitration shall be final.

CHAPTER XVI

APPLICATIONS FOR BUILDING SITES ON GOVERNMENT LAND IN CANTONMENTS

261. Every application for permission to occupy for the purposes of a building site, land belonging to the Government in a cantonment shall be submitted to the cantonment authority in writing, and shall contain the following particulars, namely—

- the situation, area and boundaries of the land,
- the materials to be used in the intended buildings,
- the period after the date of occupation within which the intended buildings are to be completed, and
- the purposes for which the land and the intended buildings are to be used

262. Every application made under section 261 shall be accompanied by—

- a plan, on a scale not smaller than one hundred and ten feet to the inch, showing—
 - the boundaries of the land,
 - the roads or lands adjoining, and
 - all buildings intended to be erected on the land;

The Cantonment Code, 1912

(Chapter XXI—Applications for Building sites on Government Land in Cantonments—Sections 263 264)

- (b) a ground plan and elevation of the principal building intended to be erected, showing the dimensions of the same,
- (c) a statement of the buildings intended to be erected,
- (d) an approximate statement of the intended outlay on the buildings and on the rent which it is proposed to charge for the same, if let to a tenant, and
- (e) a declaration that the applicant has read the appropriate form of lease referred to in section 264 and undertakes, in the event of his application being sanctioned, to execute a lease in that form

Disposal of such applications

263. (1) Every application made under section 261 shall, if the procedure prescribed by that section and section 262 has been duly observed, be referred by the cantonment authority to the Executive Engineer —

- (a) for verification of the plan referred to in section 262, clause (a), and
- (b) for report as to whether the land is in the vicinity of a fortified place, whether the land is in the opinion of the Executive Engineer, likely to be required for any public purpose, and whether there is any departmental objection to the application being sanctioned

(2) On receipt of such verification and report as aforesaid, the application shall be submitted to the Commanding Officer of the Cantonment

Provided as follows —

- (a)
- (b) The cantonment authority, the Commanding Officer of the Cantonment, the Officer Commanding the Brigade, or the Officer Commanding the Division, as the case may be, may reject the application :
- (c) If the land is in the vicinity of a railway company, the application shall be referred by the railway company, the the express orders of the railway company, without delay through such channel as may be direct.

- (d) If the land is in the vicinity of a Government building, the application shall be referred to the Government

Execution of lease with site plan annexed.

264 (1) When an application under section 261 is made, the applicant shall not occupy the land, nor erect any building thereon, until the application has been sanctioned. If, without the sanction of the cantonment authority, the applicant has incurred any expense, there shall have been prepared a form of lease, which shall have been duly registered in accordance with the provisions of force relating to the registration of documents, a lease as nearly as may be in one of the forms indicated in Schedule VI hereto appended and subject to the conditions set forth in the annexure to such form, or in such other form as the Governor General in Council may by notification prescribe in this behalf

The Cantonment Code, 1912

(Chapter XXI—Applications for Building sites on Government Land in Cantonments—Section 265 Chapter XXII—Registration of Immoveable Property in Cantonments—Sections 266 268)

(2) To every lease and to its counterpart there shall be appended a site plan of the land prepared at the cost of the applicant on a scale not smaller than one hundred and ten feet to the inch, showing—

- (a) the boundaries of the land,
- (b) the roads or lands adjoining, and
- (c) all buildings authorised to be erected on the land

(3) The site plan shall be verified by the Executive Engineer and shall be signed,—

- (a) if the land is situate in a bazar, by the Cantonment Magistrate,
- (b) if the land is not situate in a bazar, by the Officer Commanding the Brigade, or if there is no such officer the Commanding Officer of the cantonment,

and shall be endorsed with the date of its preparation, the name of the lessee and a note specifying the period within which the buildings to be erected on the land are to be completed

(4) One copy of the site plan, prepared at the cost of the applicant and verified by the Executive Engineer, shall be delivered by the applicant to the cantonment authority

265. When the requirements of section 264 have been complied with the cantonment authority shall— Grant and record of leases

CHAPTER XXII

REGISTRATION OF IMMOVEABLE PROPERTY IN CANTONMENTS

266. The cantonment authority shall prepare and maintain a general plan of the cantonment, on a scale of not less than twelve inches to the mile, showing all necessary details and distinguishing in particular— General plan.

- (a) all houses (if any) which have been set apart, in accordance with the conditions of leases executed under section 264, for occupation by civil officers, and
- (b) all land (if any) which does not belong to the Government, and all houses (if any) situate thereon.

267. The cantonment authority shall also prepare and maintain a bazar plan, on a scale not smaller than one hundred and ten feet to the inch, of every bazar in the cantonment. Bazar plan.

268. (1) Every site shall be shown under a distinguishing number on the plans prepared under this Chapter, and the numbers for each bazar shall form a separate series. Plans and streets to be distinguished

(2) Every street shall be shown on such plans as aforesaid by its name or under an alphabetical letter or number

*The Cantonment Code, 1912**(Chapter XXII—Registration of Immoveable Property in Cantonments—Sections 260-272)*

Dating and authentication of plans

269 (1) Every plan prepared under this Chapter shall, on completion, be dated and authenticated by the signature of the Executive Engineer

(2) Whenever a general plan prepared under section 266 is altered, the alteration shall be explained on the plan in a memorandum dated and signed by the Executive Engineer

Plans not to be destroyed without sanction

Register of Government land held by lessees out of bazar

Particulars, so far as they can be ascertained, namely —

- (a) the name of the cantonment, and the number and date of any orders declaring it to be a cantonment or defining its limits,
- (b) a reference to any similar register kept before the commencement of the Cantonment Code, 1899
- (c) the date of registry of the site
- (d) the number of the site, as shown on the general plan maintained under section 266,
- (e) the dimensions of the site,
- (f) the boundaries of the site,
- (g) in the case of a site occupied before the commencement of the Cantonment Code 1899, the date of the permission to occupy the site, and in the case of a site occupied after the commencement of the Cantonment Code, 1899 the date of the lease executed by the lessee under the said Code or under section 264,
- (h) the name and description of the lessee at the date of registry
- (i) the name and description of the lessee's agent (if any) at the date of registry,
- (j) the nature of the lessee's right under this and the Cantonment Code, 1899, or under any other provision of law, including the particulars of any special right of occupancy,
- (k) the estimated value of buildings on the site at the date of registry,
- (l) the dates of authorities to add to buildings, and
- (m) all changes occurring from time to time, whether by transfer, by alterations or additions, by decisions of committees of arbitration, in dimensions, in value, or in agency

Explanation—In this section the expression "date of registry" means the date of entry in the register maintained hereunder

Register of Government land held by lessees in bazar

272 The Cantonment Magistrate shall maintain a register showing, in regard to all Government land held by lessees and situate in a bazar (whether the sites were occupied by the lessees before or after the commencement of the Cantonment Code, 1899) and the buildings situate thereon, the following particulars so far as they can be ascertained, namely —

- (a) the name of the bazar,
- (b) a reference to any similar register kept before the commencement of the Cantonment Code, 1899,
- (c) the date of registry of the site,
- (d) the number of the site, as shown on the bazar plan maintained under section 267,
- (e) the dimensions of the site
- (f) the boundaries of the site,

The Cantonment Code, 1918

(Chapter XXII—Registration of Immoveable Property in Cantonments—Sections 273 274)

- (g) in the case of a site occupied before the commencement of the Cantonment Code, 1899, the date of the permission to occupy the site, and in the case of a site occupied after the commencement of the Cantonment Code, 1899, the date of the lease executed by the lessee under the said Code or under section 254,
- (h) the name and description of the lessee at the date of registry,
- (i) the name and description of the lessee's agent (if any) at the date of registry,
- (j) the estimated value of buildings on the site at the date of registry, and
- (k) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value, or in agency

Explanation—In this section, the expression "date of registry" means the date of entry in the register maintained hereunder

273. The Cantonment Magistrate shall maintain a register showing, in regard to all land (if any) which is private property, and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely —

- (a) the name of the cantonment, and the number and date of any orders declaring it to be a cantonment or defining its limits,
- (b) a reference to any similar register kept before the commencement of the Cantonment Code, 1899,
- (c) the date of registry of the site,
- (d) the number of the site as shown on the general plan
- (e) the dimensions of the site,
- (f) the boundaries of the site,
- (g) the name and description of the owner at the date of registry,
- (h) the name and description of the owner's agent (if any) at the date of registry,
- (i) the particulars of the owner's right by reference to any acknowledgment by the Government, or any other proof,
- (j) the estimated value of buildings on the site at the date of registry, and
- (k) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value, or in agency

Explanation—In this section the expression "date of registry" means the date of entry in the register maintained hereunder

274. (1) The Cantonment Magistrate shall maintain a register of transfers, in which he shall from time to time enter references to all transfers of immoveable property—

- (a) registered in his own office, where he is himself Registrar or Sub-Registrar of the cantonment under the Indian Registration Act, 1908, or
- (b) appearing in the copies forwarded to him by the Registrar of the district under section 29, sub section (2), of the Cantonments Act, 1910,

as the case may be

(2) The register of transfers shall contain the following particulars, namely —

- (a) a serial number for each transfer,
- (b) the date of registry,
- (c) the distinguishing number of the site as recorded in the register maintained under section 271, 272 or 273, as the case may be,
- (d) the name of the transferor,
- (e) the name of the transferee,

The Cantonment Code, 1912

Chapter XXIII—Supplemental—Sections 287-292

(b) by the members of any sub committee specially authorized by the Cantonment Committee (if any) in this behalf, or

(c) if a Cantonment Committee has not been constituted or has ceased to exist or cannot be convened, by the Commanding Officer of the cantonment.

287. (1) Unless it is in this Code in any case otherwise expressly provided every public notice issued thereunder shall be published by proclamation or in such other manner as the Local Government may direct

(2) Such proclamation as aforesaid shall be made by such method as the authority issuing the notice, or the Cantonment Magistrate, may deem to be the customary method

Publication of public notices

Penalties and Prosecutions

Penalties

(2) In lieu of, or in addition to, any fine imposed under this Code, the Court may require the offender to remedy, so far as it lies within his power to do so any mischief in respect of which the fine is imposed

Limitation of prosecution

289 No person shall be liable to punishment for a breach of any of the provisions of this Code unless complaint of the breach is made within three months after the commission thereof before a Magistrate having jurisdiction to entertain the complaint

Miscellaneous

Execution in case of failure and recovery of cost thereof

290 (1) Where any person fails to perform any act which he has, by a notice issued under this Code been required to perform the cantonment authority may cause the act to be performed and may recover the cost from him

(2) Any money claimable by the cantonment authority under this Code otherwise than on account of a tax may be recovered on application to a Magistrate having jurisdiction within the limits of the cantonment or in any other place where the person from whom the money is claimable may for the time being be resident, by distress or sale of any moveable property within the limits of his jurisdiction belonging to such person

(3) When money is recoverable from the owner of property, it shall until it is paid, be a charge on the property

Verification of weights and measures.

291 (1) The cantonment authority shall maintain such standards as it thinks fit for the purpose of verifying weights and measures, and shall provide proper means—

(a) for verifying weights and measures in use in the cantonment by comparison with such standards as aforesaid, and

(b) for stamping weights and measures so verified

(c) The cantonment authority may, by public notice, fix the times and places at which a servant of the cantonment authority shall attend for the purpose of such verification as aforesaid

Compensation for damage resulting from use of weights under this Code

292 (1) The cantonment authority may in any case not otherwise provided for

The Cantonment Code, 1912

(Chapter XXIII —Supplemental —Sections 293 298)

293. Every power conferred by this Code on the Officer Commanding the Division, the Officer Commanding the Brigade, the cantonment authority, the Sanitary Officer or the Cantonment Magistrate may be exercised from time to time as occasion requires Powers to be exercisable from time to time

294 In cases of emergency the Cantonment Magistrate may direct the execution of any work or the doing of any act which the cantonment authority is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing such work shall be paid from the cantonment fund Execution of work in cases of emergency

Provided that—

(a) he shall not act under this section in contravention of any order of the committee, and

(b) every direction given under this section shall be reported to the next following meeting of the committee

295 Where any notice, order, requisition, license, permission in writing or other document is issued under this Code, it shall be published in the Gazette or in Station or subsequent notification to the to refer to the number, Method of framing notifications

296 No notice, order, requisition, license, permission in writing or other such document issued under this Code shall be invalid merely by reason of any defect of form. Validity of notices and other documents.

297 No notice, order, requisition, license, permission in writing or other such document issued under this Code shall be invalid merely by reason of any defect of form. Vacancies and

298 The following rules shall apply to the execution of the provisions of this Code:— Rules and

(2) Copies of any bye laws as aforesaid shall be kept at the office of the cantonment authority for sale to the public

(3) Copies of this Code will be kept at the office of the Superintendent, Government Printing India, Calcutta for sale to the public

The Cantonment Code, 1912

FORM 2

RECEIPT

[To be retained in Cantonment Authority's Office]

No

Dated

Received from

on account of

Rs

No

, Dated

Received from

on account of

Rs

SCHEDULE I

Signed

[To be given to the person from whom the money is received]

FORM 1.

CANTONMENT FUND CHEQUE.

Cheque Book No. _____

Cheque No. _____

Dated _____ 19 ____

To the Officer in charge of the Treasury at _____

Pay to _____

Re _____ and charge to the _____

Cantonment Fund

Under

Signed _____

Secretary, Cantonment Committee,

OR

President, Cantonment Committee,

OR

Commanding Officer of the Cantonment.

This cheque is current for three months only.

SCHEDULE I

FORM 8

*Budget Estimate of Receipts of the—Cantonment Fund
for the financial year 19 -19*

| Heads of Receipts | Average 19 10 to 19 19 (past three years) | Actuals 19 19 (past year) | ESTIMATES 19 19 (CURRENT YEAR) | | Estimate 19 19 (concluding year) | Explanatory Remarks |
|--|---|---------------------------|--------------------------------|----------------|----------------------------------|---------------------|
| | | | Original | Revised | | |
| | P ^{rs} | R ^s | P ^{rs} | R ^s | Rs | |
| I—Land Revenue— | | | | | | |
| Income from land the property of the fund | | | | | | |
| II—Assessed Taxes— | | | | | | |
| Taxes upon houses lands and compounds | | | | | | |
| Conservancy taxes and fees | | | | | | |
| Water rates | | | | | | |
| Tax on trades and professions weghmen etc | | | | | | |
| Octroi | | | | | | |
| Miscellaneous (including taxes on horses dogs and carriages) | | | | | | |
| Total of II | | | | | | |
| III—Medical— | | | | | | |
| Miscellaneous Receipts | | | | | | |
| IV—Minor Departments | | | | | | |
| <i>Agriculture—</i> | | | | | | |
| Public Gardens | | | | | | |
| <i>Sanitation—</i> | | | | | | |
| Salts of Manure etc | | | | | | |
| <i>Water Supply—</i> | | | | | | |
| License and other taxes | | | | | | |
| Total of IV | | | | | | |
| V—Miscellaneous—(a) | | | | | | |
| Fees, Fines and Port dues | | | | | | |
| Rent of old masonry | | | | | | |
| Contributions { Provincial and Imperial Grants | | | | | | |
| { Public Grants | | | | | | |
| Rent of houses | | | | | | |
| Rent of fruit grove wood etc | | | | | | |
| Foundry etc | | | | | | |
| Other Miscellaneous Receipts (a gift to house making etc) | | | | | | |
| Total of V | | | | | | |

SCHEDULE I

FORM 8

*Budget Estimate of Receipts of the _____ Cantonment Fund
for the financial year 19 -19 -concl'd*

| Heads of Receipts | Average 10 19 to 19 19 (past three years) | Actual, 10 19 (past year) | ESTIMATES 19 19 (CURRENT YEAR) | | Estimate 19 19 (en-suing year) | Explanatory Remarks |
|---|---|---------------------------|--------------------------------|---------|--------------------------------|---------------------|
| | | | Original | Revised | | |
| VI—Public Works— | P's | Rs | Rs | Rs | Rs | |
| Tolls and Ferries | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OF VI | | | | | | |
| VII—Interest on Government Security— | | | | | | |
| Total Receipts from local sources | | | | | | |
| VIII—Grants in aid— | | | | | | |
| From Grant 19—Army Estimates | | | | | | |
| From _____ | | | | | | |
| From _____ | | | | | | |
| Total Grants in aid | | | | | | |
| Total income from all sources | | | | | | |
| IX—Deposits and Advances | | | | | | |
| Opening Balance* | | | | | | |
| GRAND TOTAL | | | | | | |

* In India investments of previous years shown in Appendix G

Secretary, Cantonment } President, Cantonment Committee,
Committee } or
Commanding Officer of the
Cantonment

OFFICE OF THE CANTONMENT AUTHORITY,

Dated _____

19 ____

Sanctioned

General Officer Commanding,

STATION _____

Division _____

Date _____

Independent Brigade

The Cantonment Code, 1912

SCHEDULE I

FORM 8

Budget Estimate of Expenditure of the Cantonment
Fund for the financial year 19 -19 .

| Heads of Expenditure | Average 10 19 10 (post three years) | Actuals, 10 19 (post year) | ESTIMATES, 19 19 . (CURRENT YEAR) | | Estimate, 19 19 (on subing year) | Explanatory Remarks |
|--|--|----------------------------|-----------------------------------|---------|----------------------------------|---------------------|
| | Rs | Rs. | Original | Revised | Rs. | |
| 1 -Refunds— Refunds of Taxes Miscellaneous Refunds TOTAL OF 1 | | | | | | |
| 2 -Charges for Collection of Revenue— Collecting Establishments Contingencies TOTAL OF 2 | | | | | | |
| 3 -General Administration— Cantonment Magistrate Assistant Cantonment Magistrate Establishments Cont agencies TOTAL OF 3 | | | | | | |
| 4 -Law and Justice { Courts of Law Jails TOTAL OF 4 | | | | | | |
| 5 -Grants to Charitable and Educational Institutions. | | | | | | |
| 6 -Medical— <i>Hospitals and Dispensaries—</i> Establishments Cont agencies <i>Preventive—</i> Establishments Cont agencies <i>Epidemics etc.—</i> Establishments Cont agencies TOTAL OF 6 | | | | | | |
| 7 -Minor Department— <i>Public Gardens, Tree-Planting and Forests—</i> Establishments Cont agencies <i>Lighting—</i> Establishments Cont agencies <i>Cleanliness—</i> Establishments Cont agencies <i>Water-supply—</i> Amount credited to Head XXXI— Masonry Works Establishments Cont agencies TOTAL OF 7 | | | | | | |

SCHEDULE I

FORM 8

Budget Estimate of Expenditure of the Cantonment Fund for the financial year 19 -19 -concl'd

| Heads of Expenditure | Average, 19 10 to 19 19 (past three years) | Actuals, 19 -19 (past year) | ESTIMATES 19 - 19 (CURRENT YEAR) | | Estimate 19 10 (on going year) | Explanatory Remarks |
|---|--|-----------------------------|----------------------------------|---------|--------------------------------|---------------------|
| | | | Original | Revised | | |
| | Rs. | Rs. | Rs. | Rs. | Rs. | |
| 8—Superannuations— | | | | | | |
| Pensions (a) | | | | | | |
| Contributions towards Provident Fund | | | | | | |
| TOTAL OF 8 | | | | | | |
| 9—Miscellaneous— | | | | | | |
| Pentx Bates and Taxes | | | | | | |
| Letty Establishments | | | | | | |
| Contingencies | | | | | | |
| Leunds { Establishments { Contingencies | | | | | | |
| TOTAL OF 9 | | | | | | |
| 10—Public Works— | | | | | | |
| <i>Original Works—</i> | | | | | | |
| Buildings | | | | | | |
| Roads | | | | | | |
| Other works | | | | | | |
| <i>Maintenance and Repairs—</i> | | | | | | |
| Buildings | | | | | | |
| Roads | | | | | | |
| Other works | | | | | | |
| Letty construction and repairs | | | | | | |
| TOTAL OF 10 | | | | | | |
| TOTAL EXPENDITURE | | | | | | |
| 11—Repayment of Deposits and Advances— | | | | | | |
| Closing Balance | | | | | | |
| GRAND TOTAL | | | | | | |

(a) Sanctioned prior to the commencement of the Cantonment Code 1912 which does not now allow the grant of pensions or gratuities

Secretary, Cantonment } President, Cantonment Committee,
Committee } or
Commanding Officer of the
Cantonment

OFFICE OF THE CANTONMENT AUTHORITY,

Dated

19

Sanctioned.

General Officer Commanding,

STATION—

Division

Dated

Independent Brigade

The Cantonment Code, 1912

SCHEDULE I

FORM S — APPENDIX A

*Detailed List of Establishment provided for in the Budget
Estimate of the ——— Cantonment for the year 19 —19*

| 1 | 2 | 3 | 4 | 5 | 6 |
|-------------------------------------|--|-----------------------------|--|---|---------------------|
| Major head | Detail with rate of pay per mensem | 19 19 a/c (past year) | Revised Estimate, 19 —19 (current year) | Estimate, 19 19 (ensuing year) | Explanatory Remarks |
| 2—Collection of Revenue— | | | . | | |
| 3—General Administration— | | | | | |
| 6—Medical— | | | | | |
| <i>Hospitals and Dispensaries</i> | | | | | |
| <i>Vaccination</i> | | | | | |
| <i>Epidemics</i> | | | | | |
| 7—Minor Departments— | | | | | |
| <i>Public Gardens etc</i> | | | | | |
| <i>Lighting</i> | | | | | |
| 8—Conservancy— | | | | | |
| <i>General Station</i> | | | | | |
| <i>Roads & Lanes</i> | | | | | |
| <i>Latrines</i> | | | | | |
| <i>Water-supply</i> | | | | | |
| 9—Miscellaneous— | | | | | |
| <i>Public works & buildings</i> | | | | | |
| <i>Public works & buildings</i> | | | | | |

SCHEDULE I.

FORM 8.—APPENDIX B.

*Detailed List of Expenditure provided for in the—
Cantonment Fund Budget Estimates other than that in-
cluded in Appendices A, C, and D.*

| 1 | 2 | 3 | 4 | 5 | 6 |
|----------------------------|------------------------|---------|-----------------------------------|---|---|
| Major head | Minor head | Details | Actuals, 19 -19 (past year) | Revised Estimate, 19 -19 (current year) | Estimate, 19 -19 (opening year). |
| 1.—Refunds | Refunds of Taxes. | | | | |
| | Miscellaneous Refunds. | | | | |
| 2.—Collection of Revenue. | Contingencies . | | | | |
| 3.—General Administration. | Contingencies . | | | | |

SCHEDULE I
FORM 8—APPENDIX B—*contd*

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|--|----------|----------------------------------|--|--|
| Major head | Minor head | Details. | Actuals, 19 19 (past year) | Revised Estimate, 19 19 (current year) | Estimate 19 19 (ensuing year) |
| 4.—Law and Justice. | Courts of Law Jails | | | | |
| 5.—Grants to Charitable and Edu- cational Institu- tions | | | | | |
| | Hospitals and Dispensaries contingencies | | | | |
| 6.—Medi- cal | Vaccination contingencies | | | | |
| | Epidemics, etc contingencies | | | | |

The Cantonment Code, 1919

SCHEDULE I

FORM 8.—APPENDIX B—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 |
|--------------------------------|---|----------|-----------------------------------|---|--|
| Major head | Minor head | Details. | Actuals, 19 -19 (past year) | Revised Estimate, 19 -19 (current year) | Estimate, 19 -19 (ensuing year) |
| 7 - Minor Depart- ments. | Public gardens, tree-tending and forests contingencies | | | | |
| | Lighting con- tingencies | | | | |
| | Conservancy contingencies. | | | | |
| | | | | | |
| | Water-supply contingencies | | | | |

SCHEDULE I

FORM S—APPENDIX B—*continued*

| 1 | 2 | 3 | 4 | 5 | 6 |
|---------------------------------|---|---------|---------------------------------|---|---------------------------------------|
| Major head | Minor head | Details | Actuals, 1919 (past year) | Revised Estimate, 1919 (current year) | Estimate 1920 (ensuing year) |
| 8—Superan- nuations. | Pension* and contribution to Provident Funds | | | | |
| | Rents, Rates and Taxes | | | | |
| 9—Miscel- laneous | Contingencies | | | | |
| | Cattle Pound contingencies | | | | |
| 11.—Deposits and Advances | | | | | |

Note—All expenditure should be fully detailed in column
3 thus—

| | R | a | p |
|---|-----|---|---|
| Purchase of three Crowley carts | 450 | 0 | 0 |
| „ of bullocks | 100 | 0 | 0 |
| Feed of ditto | 168 | 0 | 0 |
| Repairs and renewals to pans and receptacles | 100 | 0 | 0 |
| Purchase of gear | 50 | 0 | 0 |
| † Miscellaneous not included in above, but excluding any reserve | 100 | 0 | 0 |
| | 968 | 0 | 0 |

* Sanctioned prior to the commencement of the Cantonment Code, 1912 which does not allow the grant of pensions or gratuities

† This should include all petty expenditure which cannot be detailed, but should not include anything of the nature of a reserve

SCHEDULE I.

MAJOR HEAD "10.—Public Works"

FORM 8.—APPENDIX C.

Details of Budget Estimate for Original Works (construction of Buildings, Roads, Latrines, etc.) in the Cantonment for the year 19

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------------------|---------------------|------------------------|-------------------------------------|---------------------|------------------------------|----------|
| | Nature of each work | Estimated cost of work | * Revised estimate for current year | Previously expended | Estimate for (ensuing year). | REMARKS. |
| Sub-heads. | | | | | | |
| Buildings . . . | Total "Buildings" | | | | | |
| Roads . . . | | | | | | |
| Other works . . . | Total "Other Works" | | | | | |

Note.—Column 3 will show the entire cost of the work; column 4, the sum sanctioned for expenditure during the current year; column 5, the amount previously expended since commencement of the work; and column 6, the amount proposed for expenditure during the ensuing year. Thus, if the work is to be completed during the ensuing year, the total of columns 3, 5 and 6 will equal that in column 3; otherwise the difference will show the amount which will still be required to complete the work.

*The totals in column 4 will agree with the allotments made in the body of the revised estimate for the current year.

The Cantonment Code, 191*

SCHEDULE I

FORM 8—APPENDIX D.

MION HEAD "10—Public Works"

Cantonment for the year—

Details of Budget Estimate for Maintenance and Repairs in the

| Sub-heads. | Nature of each work | Actuals 19 19 (past yrs.) | Revised Esti- mate 19 19 (current year) | Estimate (ensuing year) | REMARKS |
|--------------------------------------|--------------------------------------|---------------------------------|---|--------------------------------|---------|
| Buildings | Total "Buildings | | | | |
| Roads . . . | Total "Roads . . . | | | | |
| Other works . . . | Total "Otl or Works | | | | |
| Petty Construction and Repairs . . . | Total Petty Construction and Repairs | | | | |

SCHEDULE I

FORM 8—APPENDIX F
Abstract of Receipts and Expenditure of the Cantonment Fund

| Receipts | Average 19 19 to 19 19 (past 3 years) | Actuals 19 19 (past year) | Revised Estimate current year 19 19 | Estimate ending year 19 19 | AMOUNT BY WHICH | | Expenditure | Average 19 19 to 19 19 (past 3 years) | Actual 19 19 (past year) | Revised Estimate current year 19 19 | Estimate ending year 19 19 | AMOUNT BY WHICH | | REMARKS. |
|--|---|------------------------------------|---|-------------------------------------|---------------------|-------------------------------|--|---|-----------------------------------|---|-------------------------------------|-------------------------|---------------------------------|----------|
| | | | | | Exceeds column 4 | Falls short of column 4 | | | | | | Exceeds column 11 | Is less than column 11 | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 2 Land revenue III Assessed Taxes III Medical IV Minor Depart- ments V Miscellaneous VI Public Works VII Interest | | | | | | | | | | | | | | |
| Receipts from Local Sources. | | | | | | | | | | | | | | |
| VIII Grants in aid | | | | | | | | | | | | | | |
| Total Income | | | | | | | Total | | | | | | | |
| IX Deposits and Advances, Opening balance | | | | | | | 11 Deposits and Advances Closing balance | | | | | | | |
| GRAND TOTAL | | | | | | | GRAND TOTAL | | | | | | | |

FORM A.
TAX DEMAND REGISTER.

[**SCHEDULE II**—See section 57]

MUNL FORM No 17

FORM

HOUSE
LAND Tax Demand Register for
(To be printed in open

[NOTE.—Taxes of the second half year collected in advance in the first half should be entered

| Assessment number | | Survey or door No or designation of building or situation of building or situation | | Assessment | | Collections in | | | | | | | | | | | | Number of warrant if any | | Written or remitted | | Balance of first half year out standing at the end of that half year | | Number of lines | | |
|-------------------|---|--|---|--------------|---------------------------|----------------|--------|------|--------|------|--------|------|--------|--------|--------|-----------|--------|--------------------------|--------|------------------------------|--|--|--|-----------------|--|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | | | | | | |
| | | | | Annual value | Half yearly amount of tax | April | | May | | June | | July | | August | | September | | | | | | | | | | |
| | | | | Date | Amount | Date | Amount | Date | Amount | Date | Amount | Date | Amount | Date | Amount | Date | Amount | Number of warrant if any | Amount | Number in remission register | Balance of first half year out standing at the end of that half year | Number of lines | | | | |
| | | R o p | | | | | | | | | | | | | | | | | | | | | | | | 1 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 2 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 3 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 4 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 5 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 6 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 7 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 8 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 9 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 10 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 11 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 12 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 13 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 14 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 15 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 16 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 17 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 18 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 19 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 20 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 21 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 22 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 23 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 24 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 25 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 26 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 27 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 28 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 29 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | 30 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |

[SCHEDULE II.—See section 57.]

FORM

MUNL. FORM No. 19.

PROFESSION and Trade Tax

[illegible]

The Cantonment Code, 1912

B.

Register for the year 19 -19

[illegible]

[SCHEDULE II.—See section 57.]

FORM

MUNL. FORM No. 22.

REGISTER of Miscellaneous Demands

[Articles 105 and 123. To be

[Note.—At the top of all items coming under the same head of receipt, the nature of the revenue should be written in red ink in the register new items of the same class. A red line should be drawn across the register after each such total with in red ink separately below the entry for kist. Composition fees should be shown as a realisation of the month concerned entry for demand in column 9.]

| Serial Number. | Name of renter | Number and date of agreement | Amount deposited. | | Amount of each instalment. | Due date of payment | Total amount due in the year. | | |
|----------------|----------------|------------------------------|-------------------|--------|----------------------------|---------------------|-------------------------------|---------|--------|
| | | | Date | Amount | | | Arrears | Current | Total. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | R a p | R a p | | R a p | R a p | R a p |
| | | | | 1 | | | | | |

D.

for the year 19 -19 .

printed on open royal]

and a total made for the items. Some lines may be left blank above the line for total in case it becomes necessary during the year to enter a view to separate it from the entries on account of other revenue that follow. The collections on account of penal interest should be shown against the renter if according to the contract they are payable to him otherwise they should be shown in a separate line with a separate

| Realisation in | | | | | Total collections of kists. | Penal interest. | | | Balance | | |
|----------------|--------|------|--------|-----------------------------------|-----------------------------|-----------------|------------------|-------|----------------|-------------------|---------------------|
| April | | May | | Columns for remaining ten months. | | Total due | Total collection | Kist | Penal interest | Number of warrant | Date of realisation |
| Date | Amount | Date | Amount | | | | | | | | |
| 11 | 12 | 13 | 14 | 15 to 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 |
| | R a p | | R a p | | R a p | R a p | R a p | R a p | R a p | | |

[SCHEDULE II —See section 57]

FORM

MUNL. FORM No. 28.

ARREAR Demand Register from the years 19 -19 to 19 -19

(To be printed in open

[illegible]

The Cantonment Code 1918

F

WARRANTS

printed on open foolscap)

ber in the demand registers and in the bills concerned and place his initials in column 20 of this register in token thereof should be set apart for each officer entrusted with the execution of warrants for each of whom separate warrant books with should be entered in the respective portion of this register consecutively irrespective of the tax for which they are issued.]

| Water and drainage tax | | | Private scavenging fees | | | Tax on small vehicles and carts | | | Other items | | | Initials of Clerk | | | If executed reference to number in the register of distrainted property | | | If written-off reference to number in the register of written-off | | | | | | | | | | | | | | |
|------------------------|---|---|-------------------------|---|---|---------------------------------|---|---|-------------------------|---|---|-------------------|---|---|---|---|---|---|---|---|------------------------|---|---|-------------------------|---|---|----|---|---|----|---|---|
| Amount of tax involved | | | Amount of tax collected | | | Amount of tax involved | | | Amount of tax collected | | | | | | | | | | | | Amount of tax involved | | | Amount of tax collected | | | | | | | | |
| 12 | | | 13 | | | 14 | | | 15 | | | 16 | | | 17 | | | 18 | | | 19 | | | 20 | | | 21 | | | 22 | | |
| R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

during next year

| during next year | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------|-------------------------|---|---------------------------------|-------------------------|---|------------------------|-------------------------|---|---|---|------------------------|---------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Private scavenging fees | | | Tax on small vehicles and carts | | | Other items | | | If executed reference to number in the register of distrainted property | If written-off reference to number in the register of written-off | Warrant fees collected | REMARKS | | | | | | | | | | | | | | |
| Amount of tax involved | Amount of tax collected | | Amount of tax involved | Amount of tax collected | | Amount of tax involved | Amount of tax collected | | | | | | | | | | | | | | | | | | | |
| 34 | 35 | | 36 | 37 | | 38 | 39 | | 40 | 41 | 42 | 43 | | | | | | | | | | | | | | |
| R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p | R | a | p |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |

*

[Schedule 11.—See section 57.]

FORM G

MEXL FORM NO. 11. (REV. 1959.)

List of Animals and Vehicles subject to License tax for the half-year ending

| Serial Number. | Number of licenses taken and taken over in the previous half year. | | Name of party. | Address. | Demand. | | | | | | Service of Notice | | Amount paid. | | | | Remissions and write-off. | | Balance. | | Number of licenses of next year for vehicles and motor-cars. | | | |
|----------------|--|-------------|----------------|----------|-----------|-------------|-----------|-------------|-----------|-------------|-------------------|-------------|--------------|-------------|-----------|-------------|---------------------------|-------------|-----------|-------------|--|----|----|----|
| | Vehicles. | Motor-cars. | | | Vehicles. | Motor-cars. | Vehicles. | Motor-cars. | Vehicles. | Motor-cars. | Vehicles. | Motor-cars. | Vehicles. | Motor-cars. | Vehicles. | Motor-cars. | Vehicles. | Motor-cars. | Vehicles. | Motor-cars. | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |

Collection Register of Tax on Vehicles, Animals and Cattle for the half-year ending

Articles

[illegible]

The Cantonment Code, 1912¹

SCHEDULE III

(See section 208)

FORM OF NOTICE TO ATTEND AT HOSPITAL, ETC

To _____

Take notice that, under section 208 of the Cantonment Code, 1912, you are hereby called upon to attend at the _____
 _____ on _____ day,
 the _____, 19____, at _____ o'clock _____, and
 not to quit the said _____ without the permission of the
 Medical Officer in charge, unless and until that Officer is satisfied
 that you are not in fact suffering, or are no longer suffering, from
 an infectious or contagious disorder, that is to say, from _____

Medical Officer in charge of the

Dated _____, the _____, 19—

The Cantonment Code, 1912.

SCHEDULE IV.

(See section 242)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.

| 1 | 2 |
|---------|---------|
| Section | Subject |

PART A.

| | |
|------------|---|
| 67 (a) (i) | Drunkenness, etc |
| 197 | Making or selling of food, etc., or washing of clothes, by infected person. |
| 277 | In contravention of bye law, cutting or destroying trees or shrubs or making excavations, etc., in hill cantonment. |

PART B.

| | |
|---------------|---|
| 37 (a) (ii) | Using threatening or abusive words, etc. |
| 67 (a) (iii) | Indecent exposure of person, etc. |
| 67 (a) (iv) | Begging. |
| 67 (a) (v) | Exposing deformity, etc |
| 67 (a) (vi) | Gaming. |
| 67 (a) (xii) | Destroying public notice, etc. |
| 67 (a) (xiii) | Breaking direction-post, etc. |
| 67 (g) | Keeping common gaming-house, etc |
| 67 (h) | Intruding on bathing-place, etc. |
| 67 (i) | Playing music |
| 67 (j) | Singing, etc., so as to disturb public peace or order. |
| 67 (k) | Firing gun, or doing other act, so as to frighten animals or cause annoyance or danger. |
| 67 (m) | Baiting. |
| 90 (2) | Destroying, etc., name of street or number affixed to building. |
| 140 | Rash riding or driving |

*The Cantonment Code, 1912*SCHEDULE IV —*contd*

| 1 | 2 |
|---------|----------|
| Section | Subject. |

PART B —*contd*

| | |
|---------|---|
| 141 | Riding or driving at time or in manner prohibited |
| 142 | <i>Driving etc.</i> , between nightfall and dawn without a suitable lamp |
| 144 | Leaving vehicle or animal without proper control |
| 146 | Obstructing street. |
| 161 | Polluting source of public drinking water supply |
| 162 | Impairing quality or diminishing quantity of water in source of public drinking water supply or injuring or impairing usefulness of water-works |
| 163 | Trespass on water works |
| 166 | Throwing corpse into a source of public water supply |
| 170 | Bathing or washing at public well or spring so as to pollute the water |
| 176 | Feeding animal on filth, etc |
| 209 (2) | • Remaining in or re entering cantonment after notice of expulsion for failure to attend hospital or dispensary |
| 210 | Introducing liquor or drug into hospital or dispensary |
| 213 | • Mendicancy |
| 214 | Lounging or importuning for sexual immorality |
| 215 (3) | } Remaining in, or returning to, a cantonment after notice of expulsion. |
| 216 | |
| 218 | • Cruelty to animals. |
| 224 | • Letting off fireworks etc., without permission |

The Cantonment Code, 1912

SCHEDULE V

(See Chapter XIX.)

APPEALS FROM EXECUTIVE ORDERS.

| 1 | 2 | 3 | 4 |
|----------|---|---|--------------------------------------|
| Section. | Executive order | Appellate authority. | Time allowed for appeal. |
| 21 | Cantonment Magistrate's order dismissing servant of cantonment authority— (i) whose salary is less than twenty-five rupees a month, (ii) whose salary is not less than twenty five rupees a month | Cantonment authority Officer Commanding the Division | Thirty days from date of order. |
| 72 (e) | Cantonment authority's notice to provide sufficient drainage. | Ditto ditto | Fifteen days from service of notice. |
| 82 | Cantonment authority's notice to fill up a tank or marshy ground, or to drain off or remove waste or stagnant water. | Ditto ditto | Thirty days from service of notice. |
| 85 | Cantonment authority's notice requiring a building to be repaired or altered so as to remove sanitary defects | Ditto ditto | Ditto |
| 82 (1) | Cantonment authority's refusal to sanction the erection or re-erection of a building | Ditto ditto | Thirty days from date of refusal. |
| 82 (3) | Cantonment authority's notice to alter or demolish a building | Ditto ditto | Thirty days from service of notice |
| 15 | Cantonment authority's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water-course or water-pipe. | Ditto ditto | Ditto |

The Cantonment Code, 1939

SCHEDULE V—contd

| 1 | 2 | 3 | 4 |
|----------|--|---|---|
| Section. | Executive order | Appellate authority | Time allowed for appeal. |
| 96 | Cantonment authority's notice to repair, protect or enclose a building, wall, tank, reservoir, pool, depression or excavation. | Officer Commanding the Division | Thirty days from service of notice |
| 97 | Cantonment authority's notice to remove a building, wall or structure or anything affixed thereto, or a bank or tree or to repair a building, wall structure or bank | Ditto ditto | Ditto |
| 110 (1) | Cantonment authority's notice to close a sarai | District Magistrate | Ditto |
| 119 (3) | Cantonment authority's notice to close a market. | Officer Commanding the Division | Ditto |
| 123 | Cantonment authority's notice prohibiting or restricting the use of a slaughter house | District Magistrate | Twenty-one days from service of notice. |
| 200 | Order of Commanding Officer of cantonment, on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission | I—The Commander-in-Chief if the Commanding Officer of the cantonment is the Officer Commanding the Division II—The Officer Commanding the Division in all other cases. | Thirty days from service of notice |
| 210 (3) | Cantonment Magistrate's notice directing a person to remove from the cantonment and prohibiting him from re-entering it without permission | District Magistrate | Ditto |

The Cantonment Code, 1918

SCHEDULE V—*concl'd*

| 1 | 2 | 3 | 4 |
|---|---|--|--|
| Section | Executive order | Appellate authority | Time allowed for appeal. |
| 216 | Cantonment Magistrate's notice issued on order of the Commanding Officer of cantonment, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission | I—The Commander-in-Chief if the Commanding Officer of the cantonment is the Officer Commanding the Division II—The Officer Commanding the Division in all other cases | Thirty days from service of notice |
| 251 (2) | Order of Commanding Officer of cantonment refusing to convene a committee of arbitration | I—The Commander-in-Chief if the Commanding Officer of the cantonment is the Officer Commanding the Division II—The Officer Commanding the Division in all other cases | Thirty days from date of order |
| 264 and Schedule VI (Conditions of Lease) | Cantonment authority's notice in pursuance of conditions of lease requiring a lessee to let a house, not already occupied by military officer, to a military officer | Officer Commanding the Division | Twenty one days from service of notice |
| | Cantonment authority's notice in pursuance of conditions of lease requiring a lessee to let a house to a civil officer | Ditto ditto | Ditto |
| | Cantonment authority's notice in pursuance of conditions of lease, requiring a tenant to vacate a house | Ditto ditto | Ditto. |

The Cantonment Code, 1912

SCHEDULE VI

(SEE SECTION 264)

FORM A *

(Form of Lease to be executed in cases of land applied for by a Railway Company or for the purpose of erecting a hospital, school or other public building)

the Secretary of State shall include his name in the list of persons who are permitted to occupy the land and shall admit the successors and assigns of the lessee.

Whereas the Lessee (s) ^{has}~~have~~ applied for permission to occupy, for the purposes of a building site, the land belonging to the Government in the Cantonment which is delineated in the site plan hereto appended, and ^{has}~~have~~ submitted with ^{its}~~their~~ application the particulars and documents required by sections 261 and 262 of the Cantonment Code, 1912

And whereas the said application has received the sanction of the Officer Commanding the Division

Now this Indenture witnesseth as follows—

The Secretary of State doth hereby grant unto the Lessee (s) liberty and license to enter into and upon the piece or parcel of land delineated in the site plan hereto appended and henceforth to occupy the same as a site for the erection of buildings, and henceforth to hold and enjoy the same and any buildings erected by ^{it}~~them~~ thereon subject to the conditions set forth in the annexure hereto

2 The Lessee (s) hereby covenant (s) with the Secretary of State that the Lessee shall and will (duly pay the said rent in the manner provided in the annexure hereto and) observe and every the conditions hereinbefore referred to and on ^{its}~~their~~ part to be observed—

When the parties execute on separate dates omit the words 'the day and year first above written' and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the indenture.

Strike out to suit facts.

In Witness whereof the Secretary of State has hereunto set his hand and seal and the Lessee (s) has caused its common seal to be affixed the day and year first above written.

Signed, Sealed and Delivered by the Officer Commanding the

Division acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of

The common seal of the Company was hereto affixed in the presence of

or Signed, Sealed and Delivered by the above-named in the presence of

* Copies of the Form, with the annexure, will be obtainable gratis on application to the Cantonment Magistrate.

The Cantonment Code, 1912

SCHEDULE VI—*contd*

ANNEXURE TO FORM A

Conditions

Case, 1914, may, by order in writing, allow

Condition II.—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee (s), application under sections 261 and 262 of the said Cantonment

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee (s)

Condition III.—The land shall not be used for any purposes other than those specified in the Lessee (s)

Use of land and maintenance
of buildings

the buildings erected on the land as absolutely to prevent their being used always that if the said buildings be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified then and in such case the Lessee (s) shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall reinstate the same fit for use for the purposes aforesaid within such period not exceeding two years after the same shall have been so destroyed or injured as the Division shall in no such case shall the Lessee (s) be use as aforesaid within a shorter period date of such destruction or injury.

Condition III (A) —The Lessee (s) shall pay the said yearly rent of Rs by equal monthly instalments of Rs and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding

Condition IV.—(1) Whenever the Lessee (s) intend (s) to transfer by sale, gift, mortgage or exchange ^{its} ~~their~~ interest in the land or in the buildings erected on the land or in any part of the land or buildings ^{it} ~~they~~ or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed

(2) The Officer Command period of one month and with by order in writing his ve Cantonment Authority cons exercised, it shall report the delay

(3) If notice of any such transfer is not given as aforesaid or if any such transfer is made after the same has been vetoed the transfer shall be void

The Cantonment Code, 1912

SCHEDULE VI—contd

Arbitration which shall be constituted as provided in Chapter XX of the Cantonment Code, 1912, and the Lessee (s) shall be bound by the decision of such Committee. In calculating the amount of such compensation there shall be taken into account the following —

- (i) The original cost of materials and construction
- (ii) The condition of the buildings and their value at the date of resumption
- (iii) The rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof.
- (iv) The period within which the buildings would become the property of Government without payment of any compensation to the Lessee

The Lessee shall not at any time during the said term remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission as is mentioned in Condition II hereof

FORM B*

(See Section 254)

(Form of lease for an indefinite term to be executed in cases of extensions of existing sites, or where it is desired to regularise existing grants, or in other exceptional cases where the grant of leases in forms A, C and D is not suitable)

This Indenture, made the _____ day of _____

Between the Secretary of State for India in Council (hereafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns), of the one part, and

son of _____ of _____

(hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators and assigns), of the other part

And whereas the said application has received the sanction of the Officer Commanding the _____ Division;

Now this Indenture Witnesseth as follows

I. The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the site plan hereto appended, and to occupy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon,† subject to the conditions set forth in the annexure hereto

† Fill in as the case may be, "free of rent but" or "subject to the payment of the yearly rent of rupees and."

The Cantonment Code, 1912

SCHEDULE VI—*contd*

2 The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will duly [*pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinafter referred to and on his part to be observed.

* The words in brackets to be omitted if the land is rent free

† In Witness whereof the said parties hereto have hereunto set their hands and

† *When the parties execute on separate dates omit the words "the day and the year first above written" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the indenture*

Signed, sealed and delivered by the
Officer Commanding the
Division, acting in the premises for and on behalf
of the Secretary of State for India in Council,

in the presence of

Signed, sealed and delivered by the above-named

in the presence of

ANNEXURE TO FORM B

Conditions

In these conditions—

(a) 'b

be final

(b) the expression 'repairs' to house shall be deemed to include such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the Lessee's consent:

(c) "military officer" means a commissioned or warrant officer of the army on military duty in the cantonment, and includes a chaplain, a cantonment magistrate and any person in army departmental employment whom the General Officer of the Command may, for the purposes of these Conditions, place on the same footing as a military officer: and

(d) "civil officer" means a gazetted civil officer of the Government, and includes any other person in the service of the Government, not being a military officer, whom the Local Government may for the purposes of these Conditions, place on the same footing as a civil officer

The Cantonment Code, 1912

SCHEDULE VI—*contd*

Condition I—The buildings to be erected on the land shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note indorsed on the site plan annexed hereto or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1912, may, by order in writing allow

Condition II.—(1) *Commencement and completion of buildings*

Erection of buildings

the plans and documents hereto or where a proposal herewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under Chapter XXI of the said Code

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the Lessee

Condition III—The land shall not be used for any purpose other than those specified in the Lessee's application under section 261 clause (d), of the Cantonment Code 1912, nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified

Provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured and in such or injury fit for use after the ing the the Lessee be required to reinstatement the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury

Condition III—A *Use of land and maintenance of buildings*

by equal monthly instalment

This clause to be struck off the land is rent free

diately preceding

Condition IV—(1) Whenever the Lessee intends to transfer, by sale gift, mortgage or exchange his interest in the land or in the buildings erected on the land or in any part of the land or buildings, he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed

(2) The Officer Commanding the Division shall have power, within the said period of one month, by order in writing, cantonment authority be exercised, it shall without delay

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed the transfer shall be void

Condition V—Every person on whom the Lessee's interest in the land, or in the buildings erected on the land may devolve by transfer, by succession or by operation of law, shall Report of devolution of Lessee's interest

The Cantonment Code 1912.

SCHEDULE VI—contd

Right of the Government to appropriate the house for occupation by any military or civil officer.

Condition VII—If the Lessee agrees to vacate the house when it is required by any person other than a military or civil officer.

Condition VII—The Government reserves a right, subject to the conditions hereinafter set forth, to appropriate the house at any time for occupation by any military officer or civil officer.

Lessee lets the house to any person other than a military officer or civil officer if the house has been set apart in accordance with Condition I for occupation only by civil officers; a civil officer, possessor of the house shall not be given notice—

- (a) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition IX without claiming any compensation, and has registered such agreement under the law for the time being in force relating to the registration of documents; and
- (b) the Lessee has forwarded an attested copy of such agreement to the cantonment authority.

Condition VIII—Whenever the cantonment authority considers that the right reserved by Condition VI should be exercised on behalf of any military officer, it may, if the house is not already occupied by a military officer, and if it has not been set apart in accordance with Condition I for occupation by civil officers, by notice in writing—

- (a) require the Lessee to let the house to the military officer named in the notice; and
- (b) require the existing tenant (if any) to vacate the same.

Condition IX—If the house is occupied by a departmental military officer and the cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or vice versa, it may by notice in writing, require the officer in occupation to vacate the house, and may, if necessary, by further notice in writing, require the Lessee to accept the chance of tenancy.

Condition X—(1) The cantonment authority may, at any time, with the previous sanction of the Officer Commanding the Division given with the concurrence of the Local Government, set apart the house for occupation by civil officers.

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Local Government.

(3) If, while the house is so set apart, the cantonment authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing—

- (a) require the Lessee to let the house to the civil officer named in the notice; and
- (b) require the existing tenant (if any) to vacate the same.

Condition XI—(1) Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under Condition VIII, Condition IX or Condition X, he may request (in the case of a regimental officer) the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his department, or (in the case of a civil officer) the District Magistrate, to make an application to that effect to the Cantonment authority.

(2) On receipt of any such application the cantonment authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

- (a) that the officer ought to reside in the cantonment; and
- (b) that the circumstances are such as to require its intervention; and
- (c) that the rent offered by the officer for the house is reasonable; and

*The Cantonment Code, 1912*SCHEDULE VI—*contd*

- (d) if the house is vacant, that it is suitable for the residence of the officer, and
 (e) if the house is occupied, that it is suitable for the residence of the officer and that there is no vacant house in the cantonment which is suitable for his residence.

Explanation—In considering whether a house is suitable for the residence of an officer, regard shall be had to (i) the locality in which his duties chiefly lie and (ii) his rank

Condition XII—(1) The house shall not be occupied for the purposes of a hospital, bank, hotel, shop or school, or by a railway administration without the previous written sanction of the Officer Commanding the Division, given with the concurrence of the local Government

Sanction to be obtained before house is occupied as a hospital, bank, hotel, shop or school or by a railway administration

- (a) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers or civil officers, or
 (b) necessitate the acquisition of land at some future time for the extension of the cantonment.

House not to be appropriated for military or civil officer if it is occupied with sanction as a hospital, bank, hotel, shop or school or by a railway administration or is otherwise appropriated by the Government

Condition XIII—No notice shall be issued under Condition VIII or Condition X if the house—

- (a) is occupied, with the sanction required by Condition XII, as a hospital, bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
 (b) is occupied, with the sanction aforesaid, by a railway administration, or
 (c) is appropriated by the Local Government, with the concurrence of the Officer Commanding the Division or by the Governor-General in Council, for use as a public office or for any other purpose

Condition XIV—Every notice to the Lessee issued under Condition VIII, Condition IX or Condition X, shall state the amount of monthly rent which the proposed tenant offers to pay for the house

Rent offered to be stated in notice to Lessee

Condition XV—(1) If the house is unoccupied, any notice issued under Condition VIII or Condition X may require the Lessee to give possession of the same to the proposed tenant within four days from the service of the notice

(2) If the house is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from the service of the notice

Condition XVI—(1) Subject to the terms of any agreement in writing between the Lessee and a military officer or a civil officer, to military and civil officers and to the terms of this condition every lease of the house to such an officer shall be deemed to be a lease from month to month, terminable—

- (a) without notice in the case of the departure of the officer from the cantonment on duty or under medical certificate or in the case of a committee of arbitration deciding that the house has become unfit for occupation, or
 (b) by one month's notice in writing to the Lessee in any other case,

The Cantonment Code, 1912

SCHEDULE VI—*contd.*

(2) A notice under clause (1) of this condition must be signed by or on behalf of the officer concerned; and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the Lessee free of charge

(3) When a notice is served on the Lessee, the Lessee shall be deemed to have accepted the rent so offered.

Provided that the sum shall not in any case, be less than one fourth of the monthly rent.

Condition XVII—If any tenant of the house, being a military officer or a civil officer, sub lets the same without the consent of the Lessee, the sub lease shall be voidable at the option of the Lessee

Condition XVIII—(1) If the Lessee considers that any rent offered by a

(2) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) After such acceptance or the decision of a committee of arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (a) of Condition XXI

Condition XIX—(1) If the Lessee fails to execute any repairs to the house

Condition XX—If any tenant of the house, being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may apply to the Commanding Officer of the cantonment to refer the matter to a committee of arbitration.

Condition XXI—If the Lessee and any tenant of the house, being a military or civil officer, disagree—

- Power of either Lessee or tenant to apply for reference to arbitration on other questions.
- as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or
 - on any matter relating to rent or repairs, other than a matter referred to in clause (a) of this Condition or in Condition XVIII, Condition XIX or Condition XX,

either the Lessee or the tenant may apply to the Commanding Officer of the cantonment to refer the matter to a committee of arbitration.

Condition XXII—Whenever any matter is referred to a committee of arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the Committee shall be constituted as provided in Chapter XX of the Cantonment Code, 1912, and the Lessee and

his tenant shall be bound by the decision of the committee.

The Cantonment Code, 1912

SCHEDULE VI—*contd*

Condition XXIII—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX and has not, within fifteen days from the service of such notice required that the matter be referred to a committee of arbitration, or

If the committee of arbitration is not constituted within the period of the Cantonment to which they are referred, or if the committee is not constituted within a period to be fixed in that behalf, the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the Lessee

Condition XXIV—(1) If the Lessee does not commence or complete, as required by Condition I, the buildings to be erected on the land, the cantonment authority may, by any means, if he is unable to do so, cover

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the cantonment authority may,

Condition XXV—(1) So long as the Lessee shall * [duly pay the said rent of rupees and] observe the conditions hereinafter specified and on his part to be observed, he may subject to Condition XXVII, hold the land forever without interruption by the Secretary of State

Forfeiture for breach of any other condition

* The words in brackets to be omitted if the land is rent free

(2) If the Lessee shall †

† The words in brackets to be omitted if the land is rent free

take the same fit for period as therein

Condition XXVI—The Lessee shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV or Condition XXV, clause (2)

Condition XXVII—The Local Government may resume the land or any portion thereof at any time after giving one month's notice in writing and on payment of compensation for such buildings standing on the land or portion thereof. If there shall be any dispute as to the amount of compensation, the same shall be referred to a committee provided in Chapter XX of the Cantonment Code, 1912, and the decision of the committee shall be final.

Right of the Government to resume the land on payment of compensation for buildings

The Cantonment Code, 1919

SCHEDULE VI—contd

FORM C.*

(See Section 264)

(Form of Lease for a term of years)

THIS INDENTURE made the _____ day of _____ Between the Secretary of State for India in Council (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part and

son of

of
(hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors administrators and assigns) of the other part Whereas the Lessee has applied for permission to occupy for the purpose of a

1 The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the site plan hereto appended and henceforth to occupy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon † subject to the conditions set forth in the annexure hereto

* Fill in as the case may be
† Free of rent but † or subject to the payment of the yearly rent of Rs. _____ and †

2 The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will [duly pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his part to be observed.

When the parties execute on separate dates omit the words "the day and year first above written" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the Indenture

In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered by the Officer Commanding the _____ Division acting in the presence for and on behalf of the Secretary of State for India in Council in the presence of _____

Signed, Sealed and Delivered by the abovesigned

in the presence of _____

* Copies of this Form, with the sanction will be obtainable gratis on application to the Cantonment Magistrate

The Cantonment Code, 1912

SCHEDULE VI—*contd*

ANNEXURE TO FORM C

Conditions

Condition I—The buildings to be erected on the land shall be commenced within six months from the execution of the lease and shall be completed within the period specified in the note endorsed on such plan or within such further period (if any) as the authority which sanctioned the application under *Chapter XXI of the Cantonment Code, 1912*, may, by order in writing, allow.

Condition II—(1) The said buildings shall be erected in accordance with the particulars specified in the lessee's application under sections 261 and 262 of the said Cantonment Code and the plans and documents accompanying the same and the site plan appended thereto, and no alteration or addition is not in accordance with the further or other particulars as may be sanctioned by the authority which sanctioned the application under the said Code.

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee.

... other than those specified in the said Code, 1912, nor into such a state as to be destroyed or injured thereby as to render them unfit for the purposes above specified then and in such case the

that in no such case shall the Lessee be required to restate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

Condition III (a)—The Lessee shall pay the said yearly rent of Rs ... by equal monthly instalments of Rs ... and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

Condition IV—(1) Whenever the Lessee intends to transfer by sale, gift, mortgage, or exchange his interest in the land or in the buildings erected on the land or in any part of the land or buildings he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(3) If notice of any such transfer is not given as aforesaid, or if any transfer is made after the same has been vetoed the transfer shall be void.

Condition F—Every person on whom the Lessee's interest in the land or in the buildings erected on the land, may devolve by transfer, by succession, or by operation of law shall send to the Cantonment Authority within one month from the date of such devolution a report in writing of the fact together with such particulars as may be required by that authority for entry in the register maintained under section 271 or 272, as case may be, of the Cantonment Code, 1912.

The Cantonment Code, 1912

SCHEDULE VI—*contd.*

Condition VI.—(1) If the Lessee does not commence or complete as required by Condition I the buildings to be erected on the land the Cantonment Authority may by notice in writing, require him to remove all or any buildings or materials which he may have erected or collected thereon; and if he fails to comply with such notice the Cantonment Authority may, after giving him x hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease

... addition
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... e Cantonment
... cause such
... the said rent of
... hereinbefore
... ved he may,
... l for the term
omitted if the land is rent-free of years computed from the day of
without interruption by the Secretary of State.

(2) At the expiry of the said term of years the lessee may be granted a renewal of the lease for a further period of years, such renewal and the period thereof to be at the discretion of the General Officer Commanding the Division

To be struck out in cases where it is intended that the lease shall not be renewable

(3) If the Lessee shall [fail to pay the said rent of Rs for 21 days after the same shall become due or shall] in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone, or other act of God fail to commence rebuilding

† The words in brackets to be struck out if the land is rent-free

Condition VIII.—The Lessee shall not be entitled to compensation for any loss incurred by reason of any thing done in pursuance of Condition VI or Condition VII, clause (2)

Claims to compensation barred.

Condition IX.—(1) At the expiration of the said term of years the Lessee shall deliver up to the

Land and building to be delivered up at end of term without compensation and right of Government to resume land prior to expiration of term on payment of compensation

To be struck out when sub-clause (2) is to be used.

(2) If at the expiry of the said term of years the General Officer Commanding the Division in the exercise of his discretion declines to renew the lease, the lessee shall deliver up to the Local Government and without any compensation whatever therefor the land comprised in this demise together with all erections and buildings which may be standing thereon on payment of compensation for such erections and

To be struck out when it is intended that the lease shall be absolutely terminable at the end of the fixed period and the buildings are to lapse to Government

... on, the same

Provided always that the Local Government may, at any time prior to the expiration of the said term resume possession of the said land or any portion thereof upon giving one calendar month's previous notice in writing in that behalf

The Cantonment Code, 1912

SCHEDULE VI—*contd*

amount of such compensation the same shall be paid to the Lessee by the Government.

- (i) The original cost of materials and construction.
- (ii) The condition of the buildings and their value at the date of resumption
- (iii) The rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof.
- (iv) The period within which the buildings would become the property of Government without payment of any compensation to the Lessee

The Lessee shall not at any time during the said term, remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission as is mentioned in Condition II hereof

FORM D*

(SEE SECTION 264) *

(Form of lease to be executed in all cases other than those for which Forms A, B and C are prescribed)

This Indenture made the _____ day of _____ Between the Secretary of State for India in Council (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part and

son of _____
of _____
(hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators, representatives and assigns) of the other part

Now this Indenture witnesseth as follows —

1 The Secretary of State doth hereby grant unto the Lessee liberty and authority to erect, build, construct, alter, repair, improve, and use the site plan buildings and same and any the annexure to the payment of the yearly rent hereof—
and

*The Cantonment Code, 1912*SCHEDULE VI—*contd.*

2. The Lessee doth hereby covenant with the Secretary of State that the

Strike out words in brackets if
no rent payable

When the parties execute on
separate dates omit the words
"the day and year first above
written" and add the dates
below the signatures. The last
of such dates will be entered in
the commencement as the day
of making the indenture.

Signed, Sealed and Delivered by
the Officer Commanding the
acting in the premises for and on behalf of the
Secretary of State for India in Council in the
presence of

Signed, Sealed and Delivered by the abovenamed
in the presence of

ANNEXURE TO FORM D

Conditions

In these conditions 1—

(a) "house" means the house erected on the land occupied by the

Magistrate, be final;

(b)

(c)

(d) military officer; and

Condition I.—The buildings to be erected on the land shall be commenced

Commencement and comple-
tion of buildings.

within six months from the execution of the lease,
and shall be completed within the period specified
in the note indorsed on such plan or within such
further period (if any) as the authority which
sanctioned the application under Chapter XXI of
the Cantonment Code, 1912, may, by order in writing, allow.

The Cantonment Code, 1912

SCHEDULE VI—*contd*

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the Lessee

Condition III—The land shall not be used for any purposes other than those specified in the Lessee's application under section 261, clause (d) of the Cantonment Code, 1912, nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified

Use of land and maintenance of buildings

Provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquakes, fire, cyclone or other act of God or shall

and the same shall have been so destroyed or injured as aforesaid as to the Officer Commanding the Division shall seem fit *Provided nevertheless* that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury

Condition III (A)—The Lessee shall pay the said yearly rent of Rs by equal monthly instalments of Rs and the said instalments shall be paid on the 15th day of every month during the continuance of this demise for the month immediately preceding

This clause to be struck out if the land is rent free

Condition IV (1)—Whenever the Lessee intends to transfer by sale, gift, mortgage or exchange his interest in the land or in the buildings erected on the land, or in any part of the land or buildings he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

Power to veto transfer of Lessee's interest in certain cases

(2) The Officer Commanding the Division shall have power within the said delay.

(3) If notice of any such transfer is not given as aforesaid or if any such transfer is made after the same has been vetoed the transfer shall be void

Condition V—Every person on whom the Lessee's interest in the land or in the buildings erected on the land may devolve by transfer, by succession or by operation of law, shall send to the Cantonment Authority within one month from the date of such devolution, a report in writing of the fact together with such particulars as may be required by that authority for entry in the register maintained under section 271 or section 272 as the case may be, of the Cantonment Code, 1912

Report of devolution of Lessee's interest

Condition VI—The Secretary of State reserves a right subject to the conditions hereinafter contained to appropriate the house at any time for occupation by any military officer or civil officer.

Right of the Government to appropriate the house for occupation by any military or civil officer

Condition VII—If the Lessee lets the house to any person other than a

Agreement to vacate to be executed when house is let to any person other than a military or civil officer

the house has been set apart for occupation by the house

(a) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any

The Cantonment Code, 1918

SCHEDULE VI—*contd*

compensation and has registered such agreement under the law for the time being in force relating to the registration of documents and

- (d) the Lessee has forwarded an attested copy of such agreement to the Cantonment Authority.

Condition VIII.—Whenever the Cantonment Authority considers that the right reserved by Condition VI should be exercised on behalf of any military officer, it may if the house is not already occupied by a military officer and if it has not been set apart in accordance with Condition X for occupation by civil officers by notice in writing—

Appropriation of house for a military officer where it is not already occupied by a military officer

- (a) require the Lessee to let the house to the military officer named in the notice and

- (b) require the existing tenant (if any) to vacate the same

Condition IX.—If the house is occupied by a departmental military officer and the Cantonment Authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or *vice versa* it may, by notice in writing, require the officer in occupation to vacate the house, and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy

Appropriation of house for a military officer where it is occupied by another military officer.

Condition X.—(1) The Cantonment Authority may, at any time, with the previous sanction of the Officer Commanding the Division, given with the concurrence of the Local Government, set apart the house for occupation by civil officers

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Local Government

(3) If, while the house is so set apart, the Cantonment Authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing—

- (a) require the Lessee to let the house to the civil officer named in the notice, and

Pro-
appropriating house

may request (in the case of a regimental officer) the commanding officer of his regiment or (in the case of a departmental military officer) the local head of his department or (in the case of a civil officer) the District Magistrate to make an application to that effect to the Cantonment Authority

(2) On receipt of any such application the Cantonment Authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

- (a) that the officer ought to reside in the Cantonment, and
(b) that the circumstances are such as to require its intervention, and
(c) that the rent offered by the officer for the house is reasonable, and
(d) if the house is vacant, that it is suitable for the residence of the officer, and
(e) if the house is occupied, that it is suitable for the residence of the officer, and that there is no vacant house in the Cantonment which is suitable for his residence

The Cantonment Code, 1912

SCHEDULE VI—contd

Explanation—In considering whether a house is suitable for the residence of an officer regard shall be had to (1) the locality in which his duties chiefly lie, and (II) his rank

Condition XII—(1)

Sanction to be obtained before house is occupied as a hospital, bank, hotel, shop or school, or by a railway administration

(2) Before application is made for such sanction the Commanding Officer of the Cantonment shall certify whether or not in his opinion the number of houses in the Cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the Cantonment, or in the part of the Cantonment in which the house is situate, for military officers or civil officers, or
- (b) necessitate the acquisition of land at some future time for the extension of the Cantonment

House not to be appropriated for military or civil officer if it is occupied, with sanction as a hospital, bank, hotel, shop or school or by a railway administration or is otherwise appropriated by the Government

Condition XIII—No notice shall be issued under Condition VIII or Condition X if the house—

- (a) is occupied with the sanction required by Condition XII as a hospital, bank, hotel, shop or school and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) is occupied, with the sanction aforesaid by a Railway administration, or
- (c) is appropriated by the Local Government with the concurrence of the Officer Commanding the Division or by the Governor-General in Council, for use as a public office or for any other purpose

Condition XIV—Every notice to the Lessee issued under Condition VIII,

Rent offered to be stated in notice to lessee

Condition IX or Condition X shall state the amount of monthly rent which the proposed tenant offers to pay for the house

Condition XV—

Time to be allowed for possession of house

Condition XIII—No notice shall be issued under Condition VIII or Condition X if the house—

(2) If the house is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from service of the notice

Condition XVI—(1) Subject to the terms of any agreement in writing

between the Lessee and the Officer Commanding the Division or the Governor-General in Council, the Lessee shall be bound to give notice to the Officer Commanding the Division or the Governor-General in Council to be

- (a) without notice in the case of the departure of the officer from the Cantonment on duty or under medical certificate or in the case of a Committee of Arbitration deciding that the house has become unfit for occupation, or
- (b) by one month's notice in writing to the Lessee in any other case

(2) A notice under clause (1) of this condition must be signed by or on behalf of the officer concerned, and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the Lessee free of charge

The Cantonment Code, 1912

SCHEDULE VI—*contd*

(3) When a military officer or a civil officer has, in pursuance of clause (1) of this condition, occupied the house and the occupation ceased, the same proportion of the monthly rent shall be paid for the same month.

Provided that the sum shall not, in any case be less than one fourth of the monthly rent.

Condition XVII—If any tenant of the house, being a military officer or a civil officer, sublets the same without the consent of the Lessee, the sublease shall be voidable at the option of the Lessee.

Condition XVIII—(1) If the Lessee considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration.

(2) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) After such acceptance of the decision of a Committee of Arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (a) of Condition XXI.

Condition XIX—(1) If the Lessee fails to execute any repairs to the house which any tenant, being a military or civil officer, may consider necessary, the Cantonment Authority may at the request of the tenant and if it is satisfied that such repairs or any of them are necessary, by notice in writing, require the Lessee to execute such repairs or such of them as it may consider necessary within a period not less than fifteen days to be specified in the notice.

(2) If the Lessee objects to comply with any notice issued under clause (1) of this condition he may within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration.

Condition XX—If any tenant of the house, being a military or civil officer considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation he may apply to the Commanding Officer of the Cantonment to refer the matter to a Committee of Arbitration.

Condition XXI—If the Lessee and any tenant of the house, being a military or civil officer, disagree—

Power of either Lessee or tenant to apply for reference to arbitration on other questions.

(a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on any matter relating to rent or repairs other than a matter referred to in clause (a) of this Condition or in Condition XVIII Condition XIX or Condition XX

Either the Lessee or the tenant may apply to the Commanding Officer of the Cantonment to refer the matter to a Committee of Arbitration.

Condition XXII—Whenever any matter is referred to a Committee of Arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the Committee shall be constituted as provided in the Constitution of Committee of Arbitration, its decision to be binding on Lessee and his tenant.

The Cantonment Code, 1912

SCHEDULE VI—contd

in Chapter XV of the Cantonment Code, 1912, and the Lessee and his tenant shall be bound by the decision of the Committee

Condition XXIII—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX, and has not repairs and deduct cost from within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or

If any Committee of Arbitration constituted under Chapter XX of the Cantonment Code, 1912, decides that repairs are necessary and the extent to which they are necessary and the Lessee fails to execute such repairs within a period to be specified in a notice issued by the Cantonment Authority in that behalf, the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the Cantonment by the Military Works Department or the Public Works Department and may deduct the cost thereof from the rent or otherwise recover it from the Lessee

Condition XXIV—(1) If the Lessee does not commence or complete as required by Condition I the buildings to be erected on the land, the Cantonment Authority may, by notice in writing require him to remove all or any buildings or materials which he may have erected or collected thereon, and if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him and may also cancel the lease

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the Cantonment Authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction, and if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing cause such removal or alteration to be effected and recover the cost from him

Condition XXV—(1) So long as the Lessee shall [*duly pay the said rent of Rs and] observe the conditions hereinbefore specified and on his part to be observed he may, subject to Condition XXVII, hold the land for the term of years computed without interruption by the Secretary of State

(2) At the expiry of the said term of years the lessee may be granted a To be struck out in cases where it is intended that the lease shall not be renewable

(3) If the Lessee shall [fail to pay the said rent of Rs for 21 days after the same shall become due or shall] in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to re-instate the same fit for use as provided in the said Condition III hereof and within such period as therein provided or shall break any of the conditions hereinbefore specified other than Condition I or Condition II, and on his part to be observed the Local Government may, after giving one month's notice in writing, resume the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee in the buildings erected on the land to be forfeited.

Condition XXVI—The Lessee shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV, or Condition XXV, clause (2)

Claims to compensation
barr:3

The Cantonment Code, 1912

SCHEDULE VI—*contd.*

Land and buildings to be delivered up at expiration of term without compensation and right of Government to resume land prior to expiration of term on payment of compensation.

To be struck out when sub
clause (2) is to be used

Condition XXVII—(1) At the expiration of the said term of years the Lessee shall deliver up to the Local Government and without receiving any compensation whatever the land comprised in this demise together with all erections and buildings which may be then standing thereon

(2) If at the expiry of the said term of _____ years the General Officer

To be struck out when it is intended that the lease shall be absolutely terminable at the end of the fixed period and the buildings are to lapse to Government

Commanding the Division in the exercise of his discretion declines to renew the lease, the lessee shall deliver up to the Local Government and without any compensation whatever therefor the land comprised in this demise together with all erections and buildings on or on payment of compensation for such erections and been erected under proper authority

If there shall be any dispute as to the amount of such compensation, the same shall be referred to a Committee of Arbitration as hereinafter provided.

Provided always that the Local Government may at any time prior to the

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the
such
be

- (i) The original cost of materials and construction
- (ii) The condition of the buildings and their value at the date of resumption
- (iii) The rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof
- (iv) The period within which the buildings would become the property of Government without payment of any compensation to the Lessee

The Lessee shall not at any time during the said term remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission mentioned in Condition II hereof.

CANTONMENTS ACT, 1910, AND CANTONMENT CODE, 1912.

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